

NORTHLAND REGIONAL COUNCIL STAFF REPORT

APPLICATION NO.: APP.039650.01.01

REPORT BY: Melanie Donaghy
Consultant Planner

- SUB APPLICATION NOS.:** APP.039650.01.01 Place use and occupy space in the coastal marine area (CMA) with a reconstructed jetty facility (including fixed jetty, gangway pontoon and piles, associated services, two mudcrete grids, signage and hoardings).
- APP.039650.02.01 Place use and occupy space in the CMA with a refurbished slipway, turning block and associated cabling.
- APP.039650.03.01 Occupy space in the CMA associated with a jetty facility and slipway to the exclusion of others.
- APP.039650.04.01 Use the slipway and jetty facility structures and three work berth areas for the purposes of vessel maintenance and chartering, and the two berths associated with the jetty facility pontoon as a marina.
- APP.039650.05.01 Place use and occupy space in the CMA with a new seawall and existing seawalls (inclusive of existing reclamation associated with the existing seawall).
- APP.039650.06.01 Use and occupy space in the CMA with a dinghy ramp.
- APP.039650.07.01 Use and occupy space in the CMA with stormwater culverts.
- APP.039650.08.01 Use and occupy space in the CMA with a workboat mooring and associated dinghy pull.
- APP.039650.09.01 Disturb the foreshore and seabed during demolition and removal of unwanted structures, jetty reconstruction and slipway refurbishment, seawall construction, and during beach refurbishment activities.

- APP.039650.10.01** Capital dredging to form five all-tide berths and two mudcrete grids alongside the jetty facility and an approach channel (and batters) to the jetty facility and slipway.
- APP.039650.11.01** Maintenance dredging to maintain vessel berths and mudcrete grids, and approach channel and batters to the slipway and jetty facility.
- APP.039650.12.01** Discharge of washdown water to the CMA from the mudcrete grids.
- APP.039650.13.01** Discharge contaminants to air in the CMA from vessel maintenance activities.
- APP.039650.14.01** Discharge contaminants to air from vessel maintenance activities.
- APP.039650.15.01** Discharge contaminants to land from vessel maintenance activities.
- APP.039650.16.01** Discharge stormwater to the CMA.

APPLICANT: Douglas Craig Schmuck

NATURE OF ACTIVITY: Replacement of existing coastal permits and renewal of discharge permits for Doug's Opua Boat Yard and proposed new coastal permits for works associated with the reconstruction of the jetty facility, slipway refurbishment and new works including beach rehabilitation and seawall.

LEGAL DESCRIPTIONS: Coastal marine area and land within and adjacent to Pt Russell Harbour Bed Deposited Plan 18044, Sec's 1, 2, 3 and 4 SO 68634; Pt Sec 1, Sec 2 and Sec 3 Blk XXXII TN OF Ōpua and FNDC Road Reserve.

LOCATION CO-ORDINATES: At and about location co-ordinates 1701505E 6091855N
Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

LOCALITY: Walls Bay, Ōpua, Bay of Islands.

DURATION OF CONSENT SOUGHT:

- 35 Years for structures and associated activities
- 18 years for discharge permits

**RELEVANT STATUTORY
PLANNING
INSTRUMENTS:**

- Resource Management Act 1991 (RMA).
- Regional Policy Statement for Northland (RPS).
- New Zealand Coastal Policy Statement 2010 (NZCPS).
- Regional Water and Soil Plan for Northland (RWSP).
- Regional Air Quality Plan for Northland (RAQP).
- Regional Coastal Plan for Northland (RCP).
- Proposed Regional Plan for Northland (PRP).

ACTIVITY CLASSIFICATION:

Consent Type	For	Detail	Classification
APP.039650.01.01 Coastal Permit	Structures	Place use and occupy space in the CMA with a reconstructed jetty facility (including fixed jetty, gangway pontoon and piles, associated services, two mudcrete grids, signage and hoardings).	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.3(l) and 31.6.3(o) of the RCP. ▪ Discretionary activity in accordance with Rule C.1.1.16 of the PRP.
APP.039650.02.01 Coastal Permit	Alteration or extension of authorised structures	Place use and occupy space in the CMA with a refurbished slipway, turning block and associated cabling.	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.3(k) and 31.6.3(l) of the RCP. ▪ Permitted activity in accordance with Rule C.1.1.7 of the PRP.
APP.039650.03.01 Coastal Permit	Occupation	Occupy space in the CMA associated with a jetty facility and slipway to the exclusion of others.	<ul style="list-style-type: none"> ▪ Innominate activity within the RCP and PRP and is therefore deemed to be a discretionary activity in accordance with section 87B(1)(a) of the RMA.
APP.039650.04.01 Coastal Permit	Marina Development and Occupation	Use the slipway and jetty facility structures and three work berth areas for the purposes of vessel maintenance and chartering, and the two berths associated with the jetty facility pontoon as a marina.	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.8(l) and 31.6.8(m) of the RCP. ▪ Innominate activity within the PRP and is therefore deemed to be a discretionary activity in accordance with section 87B(1)(a) of the RMA.
APP.039650.05.01 Coastal Permit	Structures	Place use and occupy space in the CMA with a new seawall and existing seawalls (inclusive of existing reclamation associated with the existing seawall).	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.3(l) of the RCP. ▪ Discretionary activity in accordance with Rule C.1.1.17 of the PRP.
APP.039650.06.01 Coastal Permit	Structure	Use and occupy space in the CMA with a dinghy ramp.	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.3(l) of the RCP. ▪ Discretionary activity in accordance with Rule C.1.1.15 of the PRP.
APP.039650.07.01 Coastal Permit	Structures	Use and occupy space in the CMA with stormwater culverts.	<ul style="list-style-type: none"> ▪ Discretionary activity in accordance with Rule 31.6.3(l) of the RCP. ▪ Discretionary activity in accordance with Rule C.1.1.15 of the PRP.

Consent Type	For	Detail	Classification
APP.039650.08.01 Coastal Permit	Mooring/Dinghy Pull	Use and occupy space in the CMA with a workboat mooring and associated dinghy pull.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 31.6.8(h) of the RCP. Permitted activity in accordance with Rule C.1.2.4 of the PRP.
APP.039650.09.01 Coastal Permit	<ul style="list-style-type: none"> Demolition and Removal of Unsafe Structures Disturbance of the foreshore and seabed Beach Scraping 	Disturb the foreshore and seabed during demolition and removal of unwanted structures, jetty reconstruction and slipway refurbishment, seawall construction, and during beach refurbishment activities.	<ul style="list-style-type: none"> Controlled activity in accordance with Rule 31.6.3(b) of the RCP (removal of structures). Disturbance of the foreshore and seabed is an innominate activity within the RCP and is therefore deemed to be a discretionary activity in accordance with section 87B(1)(a) of the RMA. Restricted discretionary activity in accordance with Rule C.1.5.11 of the PRP (beach scraping).
APP.039650.10.01 Coastal Permit	Capital Dredging	Capital dredging to form five all-tide berths and two mudcrete grids alongside the jetty facility and an approach channel (and batters) to the jetty facility and slipway.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 31.6.7(b) of the RCP. Discretionary activity in accordance with Rule C.1.5.12 of the PRP.
APP.039650.11.01 Coastal Permit	Maintenance Dredging	Maintenance dredging to maintain vessel berths and mudcrete grids, and approach channel and batters to the slipway and jetty facility.	<ul style="list-style-type: none"> Controlled activity in accordance with Rule 31.6.7(a) of the RCP. Controlled activity in accordance with Rule C.1.5.10 of the PRP.
APP.039650.12.01 Coastal Permit	Coastal Discharge	Discharge of washwater to the CMA from vessel maintenance activities on the mudcrete grids.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 31.6.5(c) and 31.6.5(e) of the RCP. Discretionary activity in accordance with Rule C.1.7.4 and C.1.7.5 and C.1.7.6 of the PRP.
APP.039650.13.01 Coastal Permit	Discharge to Air in the CMA	Discharge contaminants to air in the CMA from vessel maintenance activities.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 31.6.5(r) of the RCP. Discretionary activity in accordance with Rule C.7.2.7 of the PRP.
APP.039650.14.01 Discharge Permit	Discharge to Air	Discharge contaminants to air from vessel maintenance activities.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 9.1.5 of the RAQP. Discretionary activity in accordance with Rule C.7.2.7 of the PRP.
APP.039650.15.01 Discharge Permit	Discharge to Land	Discharge contaminants to land from vessel maintenance activities.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 20.3 of the RWSP. Discretionary activity in accordance with Rule C.6.9.6 of the PRP.
APP.039650.16.01 Coastal Permit	Coastal Discharge	Discharge stormwater to the CMA.	<ul style="list-style-type: none"> Discretionary activity in accordance with Rule 31.6.5(c) of the RCP. Discretionary activity in accordance with Rule C.6.4.4 of the PRP.

1. ACTIVITY DESCRIPTION

1. **Note:** Although '*replacement*' and '*renewal*' resource consents are technically regarded as all encompassing '*new resource consents*' under the Resource Management Act 1991, the terms have been referred to throughout this report for clarity and reference purposes.
2. The application is for the early replacement of current resource consents for activities within the Coastal Marine Area (CMA), the renewal of expiring resource consents for discharges, and for new resource consents for new activities within the CMA, all associated with Doug's Opuia Boat Yard (DOBY) in and adjacent to Walls Bay, Ōpuia.
3. The current Northland Regional Council authorisations for the DOBY structures, discharges and other activities are made up of a suite of 16 resource consents that have a core reference number AUT.007914, and the existing resource consents are identified in Table 1. Copies of these consents are **attached** as Appendix A to this report. The extent of these existing consents are identified in the Northland Regional Council consent plan 3231b (Figure 1).

TABLE 1: Existing Resource Consents for Doug's Opuia Boat Yard

Current Authorisation Number	Previous Consent Reference	Activity Type	Activity Description	Expiry Date
AUT.007914.01.03	CON20030791401	Coastal permit – Structures	A wharf, wharf abutment and walking track security lighting, discharge piping and access pontoon.	30/03/2036
AUT.007914.02.01	CON20030791402	Coastal permit – Structures	A slipway, complete with cabling and a dinghy ramp.	30/03/2036
AUT.007914.03.01	CON20030791403	Coastal permit – Structures	Those parts of a timber and stone seawall and associated reclamation that lie within the CMA.	30/03/2036
AUT.007914.05.01	CON20030791405	Coastal permit – Mooring/ Dinghy Pull	A workboat mooring and pull.	30/03/2036
AUT.007914.06.01	CON20030791406	Coastal permit – Structures	Signage and hoardings.	30/03/2036
AUT.007914.07.01	CON20030791407	Coastal permit – Structures	Maintenance dredging of seabed material at the slipway.	30/03/2036
AUT.007914.08.01	CON20030791408	Coastal permit – Other	Use 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.	30/03/2036

Current Authorisation Number	Previous Consent Reference	Activity Type	Activity Description	Expiry Date
AUT.007914.09.01	CON20030791409	Coastal permit – Occupation	Occupy an area of seabed associated with the slipway and wharf structures.	30/03/2036
AUT.007914.10.03	CON20060791410	Coastal Discharge	Discharge of treated wash water to the CMA.	30/03/2018
AUT.007914.11.02	CON20060791411	Discharge to Air	Discharge of contaminants to air from boat maintenance activities.	30/03/2018
AUT.007914.12.02	CON20060791412	Discharge to Air in CMA	Discharge contaminants activities to air in the CMA from boat maintenance.	30/03/2018
AUT.007914.13.02	CON20060791413	Discharge contaminants to land	Discharge contaminants to ground from boat maintenance activities.	30/03/2018
AUT.007914.15.02	CON20060791415	Coastal Discharge	Discharge stormwater to the CMA.	30/03/2018
AUT.007914.16.01	CON20120791416	Coastal Permit/ Structure	Concrete Seawall.	30/03/2036
AUT.007914.17.01	CON20120791417	Coastal Permit/ Structure	Dinghy ramp extension.	30/03/2036
AUT.007914.18.01	CON20120791418	Land Use Consent	Dinghy ramp landward of MHWS.	30/03/2036

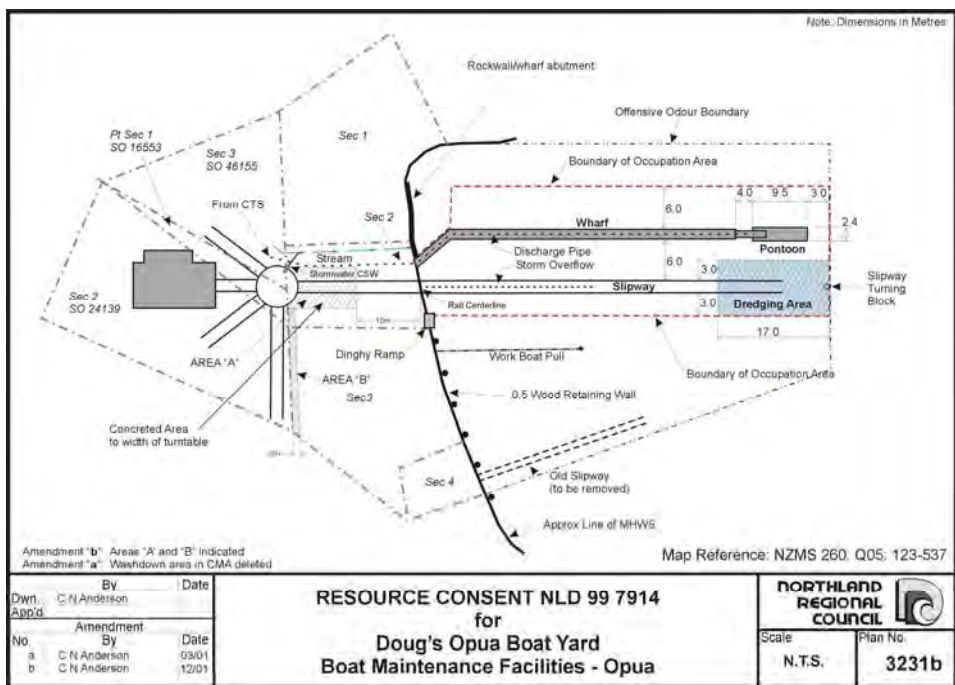


FIGURE 1 Existing Consent Plan for DOBY

1.1 Early Replacement Resource Consents

4. Early replacement consents have been sought for maintenance dredging, exclusive occupation and use of the CMA and use of the structures for vessel maintenance and chartering activities.
5. The Applicant has also confirmed that this application seeks early replacement consents for the existing structures within the CMA shown in Figure 1, including the slipway, a dinghy ramp, a workboat mooring and dinghy pull, and timber and stone seawalls.
6. These existing consents for DOBY (currently referenced as AUT.007914.01-03, AUT.007914.05-09 and AUT.007914.16-18) do not expire until 30 March 2036 (18 years remaining).
7. The replacement consents have been sought for a new period of 35 years.

1.2 Renewal Resource Consents

8. Renewal consents have been sought for discharge of wash water to the CMA, discharges to land and air associated with vessel maintenance activities, and stormwater discharges.
9. The existing consents for discharge (resource consents AUT.007914.10-13 and AUT.007914.15) expired on 30 March 2018. These consents will continue to be exercised in accordance with the provisions of section 124 of the Resource Management Act 1991 (RMA) until the current application, including any appeals, have been determined as an application for these consents was made to the council more than six months prior to their expiry.
10. The consent duration for the discharge renewal consents has been sought for a period of 18 years.
11. The discharge permits sought relevant to this application are:
 - Discharge of washdown water to the CMA from vessel maintenance activities on the mudcrete grids;
 - Discharge contaminants to air in the CMA from vessel maintenance activities (in the CMA adjacent to the jetty facility);
 - Discharge to air from vessel maintenance activities (on land).
 - Discharge contaminants to land from vessel maintenance activities; and
 - Discharge stormwater to the CMA.

1.3 New Resource Consents

12. Under this application, new resource consents are also sought for the following activities associated with a proposed upgrade of the DOBY facilities. The proposed activities are shown in Figures 2 and Figure 3.

1.4 Demolition of Existing Jetty Facility

13. Demolition and removal of the existing jetty facility. The jetty materials will be removed with heavy machinery by way of barge operating within the CMA and offloaded at the nearby Ōpua Wharf where the demolition materials will be disposed of appropriately by an experienced marine contractor at an approved disposal site on land.

1.5 Reconstructed Jetty Facility

14. Construction of a new jetty facility, with five all-tide berths, several metres to the north of the existing jetty position. The new facility will be in a similar alignment to the existing jetty and include a 42.8 metre long by 3 metre wide fixed wooden jetty including a 4.3 metre long by 6 metre wide section at the seaward end, an associated 12 metre long by 1.2 metre wide aluminium gangway, extending to a 12 metre long by 4 metre wide floating pontoon secured by four PE sleeved steel piles. The fixed jetty will include two ladders, security gating, signage, navigational lighting, marine maintenance fixtures and movable camel booms. The pontoon will include a workboat davit frame and dive ladder. The total length of the jetty facility will be 62 metres.

1.6 New Mudcrete Grid Structures

15. Placement of two mudcrete grids on the north and south side of the reconstructed jetty facility to be used for boat maintenance activities. Referring to the plans included with the application, each grid will have external dimensions of approximately 12 metres long by 4.5 metres wide with each mudcrete grid occupying approximately 15 square metres (m²) of the CMA. The mudcrete grid construction requires mixing dredged mud with cement, which solidifies quickly and forms a strong base on the seabed. This concrete stabilised mud, has been used in seawall construction elsewhere in Northland and weathers naturally and results in a stable, natural looking structure. The proposed grids will enable mechanical maintenance, light scraping and washing down of vessel hulls to remove biofilms within the CMA.

1.7 Refurbishment of Existing Slipway (within CMA only)

16. Refurbishment of the parts of the existing slipway located within the CMA. The current slipway extends some 31 metres into the CMA. The refurbishment works will reduce the overall length of the slipway by 13.5 metres and the unwanted portion of the slipway will be removed during the proposed capital dredging. The refurbishment of the landward portion of the slipway is intended to take place once issues associated with easements over the adjacent land have been resolved and are not part of this application.

1.8 New Marina Activity

17. The use of two of the five reconstructed jetty facility berths as a 'marina' to provide for the temporary or permanent berthing of vessels for accommodation purposes.

1.9 New Rock Seawall Structure

18. Construction of an approximately 50 metre long stone seawall extending northward from the existing seawall located on the north side of the existing jetty facility. Various size rocks are proposed to be used for its construction along with backfill including small stones and broken shell from the proposed beach rehabilitation works. The seawall is proposed to control erosion to the public walking track which traverses the coastal margin immediately above the proposed seawall site.

1.10 Disturbance of the Foreshore/Seabed

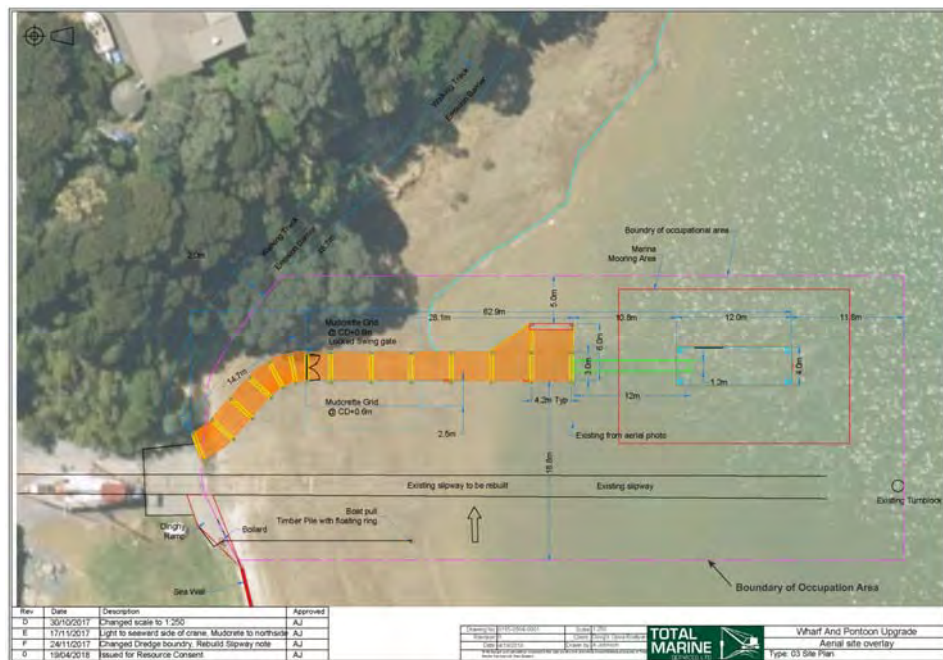
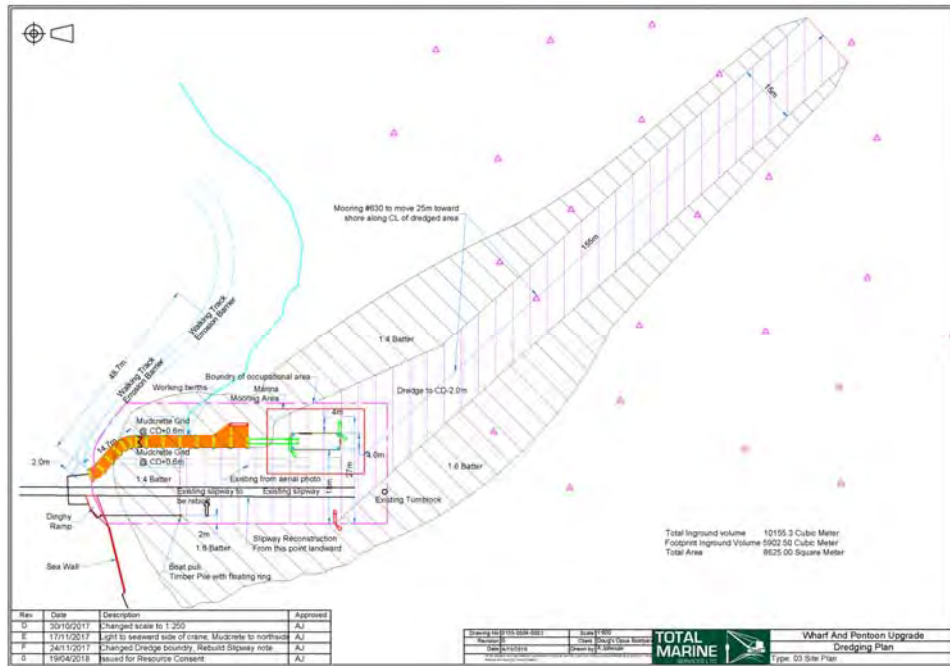
19. Disturbance of the foreshore during demolition and construction activities and during proposed beach rehabilitation works.

1.11 New Beach Rehabilitation Activity

20. Beach rehabilitation works are proposed along the beach area adjacent to the boatyard site at Walls Bay between the existing northern seawall and the southern end of the beach ending prior to the rocky outcrop. These works will involve the disturbance of beach sediments along an 8 metre band of beach from the mean high water springs (MHWS) mark in a seaward direction. The works propose use of a light weight bobcat to remove the top 200 ml of beach sand and to pass this material through a grisly screen. Clean sand is to be retained and stored with the larger debris, including brown and blue rock, shell and dead oyster clumps to be removed leaving sand and fine pebble up to a centimetre in diameter on the beach. It is understood that the beach rehabilitation works are to be carried out prior to the proposed capital dredging to ensure that good properties of sand are cleaned and stored away from any removal by the dredge and then replaced onto the beach after the capital dredge operation. The Applicant intends to utilise remaining debris as backfill during proposed new seawall construction.

1.12 New Capital and Ongoing Maintenance Dredging Activities

21. Capital dredging is proposed to establish the five all-tide vessel berths and two mudcrete grids at the reconstructed jetty facility and at the refurbished slipway and to form an approach channel from the Veronica Channel. The maximum dredge depth around the jetty berths, slipway and outer channel is proposed to be 2 metres below chart datum and a finished level of 0.6 metres above chart datum at the mudcrete grids. The total dredging area including the batter slopes will cover 8,625 square metres (m²). The batter slope in the vicinity of the reconstructed jetty facility, the refurbished slipway and the northern side of the outer channel is proposed to be 1:4. The batter slope on the southern side of the outer channel is proposed to have a slope of 1:6. Detail on the drawings supplied with the application updated on 19 April 2018 indicate that a total of approximately 10,155 cubic metres (m³) of material is proposed within the dredge cut and batter slopes. Total Marine Services Limited have confirmed that this dredging area may require between 300-500 m³ of maintenance dredging annually. Conventional dredging methods using a barge mounted hydraulic excavator are proposed to carry out the dredging activities.



1.13 Extension of Authorised Stormwater Drains

22. The relocation and extension of existing stormwater pipes to enable required stormwater discharge at a position midpoint alongside the proposed southern mudcrete grid.

1.14 Extension to Authorised Exclusive Occupation Area of the CMA

23. An extension to the authorised exclusive occupation area. As confirmed in the updated plans provided by the Applicant to the Council on 19 April 2018. The proposed new exclusive occupation area will extend from MHWS to a distance 8.8 metres east of the current eastern boundary of the authorised occupation area, and additional 8 metres north of the existing northern boundary of the existing occupation area. The proposed new occupation area will encompass the whole of the reconstructed jetty facility and associated mudcrete grids and vessel berths. The southern boundary is also proposed to be extended an additional 3 metres south to include the area of the workboat mooring and dinghy pull.
24. The application also seeks the exclusive use of parts of the reconstructed jetty facility adjacent to the mudcrete grids and the working berths and marina berths by restricting access with a locked swing gate for reasons of safety and security.

2. SITE DESCRIPTION

25. The boatyard is located within a sheltered east facing embayment known as Walls Bay, which is located within the Ōpua Basin, Bay of Islands. The subject site is approximately 200 metres west of the nearby commercially operated Ōpua Wharf and adjoins a well-established mooring area. The immediately adjoining land includes the Walls Bay Esplanade Reserve, which is a 1,292 square metre (m²) strip of land, forming part of the coastal walkway from Ōpua to Paihia. The Applicant's commercially zoned property adjoins the western side of the esplanade reserve and the CMA. Established native vegetation along the CMA boundary provides a scenic backdrop to the boatyard site, with residential property located in the hills to the west.
26. The Applicant's commercial jetty facility and slipway, associated with the boatyard operations, are located immediately adjacent to the Applicants property at the northern end of the beach area. Rocky outcrops extend into the subtidal zone at either end of the beach and two low retaining walls have been constructed either side of the jetty and slipway structures.
27. A description of the benthic and intertidal ecology of the site has been provided in an Ecological Report prepared by 4Sight Consulting, who were subsequently engaged by the Applicant post the notification of the application. A copy of the Ecological Report was circulated to the commissioners and all submitters on 9 April 2018. In the interests of brevity, this report refers to the Ecological Report for an ecological description of the site¹.
28. The site subject to this application, being within the CMA, is recognised as being within the Marine 4 (Mooring including Marinas) Management Area (MM4A) of the Regional Coastal Plan for Northland (RCP) and as a Mooring Zone within the Proposed Regional Plan for Northland (PRP).

¹ Ecological Survey: Doug's Opua Boatyard, for Doug Schmuck, Ecological Report, April 2018. 4Sight Consulting.



FIGURE 4: Aerial Photo of Boatyard Site and Adjoining CMA



FIGURE 5: Aerial Photo of Wider Environment (Inclusive of Mooring Field, Ōpua Wharf and Ōpua Marina)

3. SUBMISSIONS

29. The application was publicly notified on 20 December 2017². The submission period closed on 8 February 2018.
30. There were Forty-four (44) submissions received at the close of submissions, including Seventeen (17) in support of the proposal, Twenty-one (21) in opposition, three (3) neutral and one (1) in both support/opposition to the proposal. Two (2) of the submissions that were received were invalid and One (1) additional submission was received late eight days after the close of submissions.
31. A summary of the submissions is **attached** as Appendix B to this report.

3.1 Summary of Submissions

32. The following is a list of the key issues in support, opposition or neutral to the application. It is acknowledged that the following list is representative of the issues but not exhaustive.

3.2 Submissions in Support

33. Of the 17 submissions submitted in support of the application, five (5) submitters indicated that they wished to be heard and one (1) did not indicate either way.
34. The main reasons in support of the application were:
- Modernisation of the boatyard.
 - Boatyard has always operated appropriately and efficiently without misconduct.
 - Boatyard is one of the last small private maintenance facilities in the upper north that offers traditional ways in terms of boat handling, fitting and repairs with modern discharge of pollutants.
 - Upgrading the boatyard facilities will assist in compliance with discharge requirements.
 - Dredging the seabed will improve its recreational value as a swimming area.
 - Positive recreational and amenity effects.
 - The Applicant has improved public access in the vicinity of the site over the years.
 - The Applicant has contributed to a renewed pipi environment with improvement works over the years.
 - Local consultation as to the preservation of the existing pipi bed in conjunction with the proposal.
 - Local consultation as to methods of restoration of the Ōpua to Paihia walking track including the proposed seawall.

² Adverts in the Northern Advocate and Northern News on 20 December 2017 and in the Bay Chronicle on 21 December 2017.

- The boatyard is a well utilised and important business for residents and the international boating community.
- The boatyard has no impact on personal residency, privacy or sensibilities despite its extremely close proximity to residences.
- Previous upgrades to the boatyard have improved amenity values to the area including a reduction in silt build up within the bay and the protection of the Ōpua to Paihia walking track from erosion.
- Improved coastline protection.
- The proposed all-tide jetty facility including the berths will enhance accessibility and safety from the existing jetty facility.
- Positive economic effects - source of employment.
- Boatyard represents the character of the locale.

3.3 Neutral Submissions and Submission in Support/Opposition

35. Neither of the two (2) submissions that indicated a neutral position or the submission in support/opposition wished to be heard at a hearing of the application.
36. The support/oppose submission raised the following key issues:
 - Positive visual amenity effects.
 - Positive effects to recreational values including swimming and boating.
37. Suggested relief by submitters in support, neutral, and support/opposition, if proposal is granted includes:
 - Strict monitoring of all dredging and associated activities.
 - No restriction to public access along the esplanade reserve at all times.
 - No water or land discharge of contaminants.
 - Noise restrictions.
 - Boatyard is responsible for ensuring sufficient carparks are available for boatyard users within the grounds of the boatyard.
 - Public access is not encumbered along the Ōpua to Paihia walking track at all times.
 - The proposed exclusive occupation and use of the CMA only pertains to the new jetty facility.
 - No adverse effects to the recreational use of the CMA.
 - The prevention of recirculation of toxic metal sediments or persistent organic compounds or other pollutants or their degradation products, which may then become bioavailable in either the water column or in food chain processes.

3.4 Submissions in Opposition

38. A total of 21 submissions were in opposition to the application. Ten (10) of these submitters indicated their wish to be heard and one (1) did not indicate either way.
39. The key issues raised in opposition to the application were:
- Commercial activities given precedence within a public esplanade reserve.
 - Adverse effects to ecology including marine life and flora and fauna from dredging and discharge.
 - Adverse effects to residential amenity.
 - Application is inappropriate at the proposed location given a large, fully serviceable marina is available in Ōpua.
 - Exclusive occupation of public resources for commercial/private gain.
 - Adverse impact on cultural and spiritual values.
 - Lack of consultation with tangata whenua.
 - Adverse effects to natural character, landscape and visual amenity.
 - Place application on hold until the High Court has issued a decision on the current appeal regarding easements over land.
 - Poor quality, detail and clarity of the application.
 - Chartering of vessels.
 - Renewal of discharge permits.
 - Adverse effects to the public access, amenity and recreational use of the Walls Bay Esplanade Reserve.
 - Proposal is unsuitable at the proposed location.
 - Exclusive occupation of the CMA at the proposed location is contrary to the purpose of the Walls Bay Esplanade Reserve.
 - Boatyard maintenance and operations should be carried out on private land.
 - Marina berths should be located in a marina zone.
 - Works affecting the Ōpua to Paihia walking track should not be instigated or carried out by a member of the public.
 - Proposed protection works are unnecessary and inappropriate.
 - Adverse effects to the seabed including water movement.
 - Proposal is contrary to the New Zealand Coastal Policy Statement (NZCPS), Northland Mooring Strategy, the RMA, RCP and the PRP.
 - Inappropriate and unnecessary use of the CMA.
 - Renewal of discharge consents should not occur due to issues with current discharge activities (non-compliance).
 - The application misleads the community.
 - The application should include land use consent and have joint input with the Far North District Council.

- Potential reclamation rather than protection works.
- No reason given for the requirement of a new reconstructed jetty facility.
- Adverse effects to public health/air pollution from discharge activities.
- Adverse effects to the existing and adjoining mooring area.
- Existing signage is misleading. Private signage should be on private land.
- Additional marine services should be contained within the area from the wharf to the Ashby yard, which already has existing intensive development.
- Adverse effects to public car parking on Richardson Street.
- Further encroachment of commercial activity into the CMA.
- Lack of detail in regards to the screens proposed on the three new work berths to contain air and ground contamination.
- Change to the existing jetty facility to a commercial/industrial marina.
- The scale of the proposed capital dredging is unwarranted.
- Lack of alternatives in Ōpua for recreational, seaside, grassy areas for public recreational value.
- Adverse effects to conservation areas and road reserve.

3.5 Comments on Submissions

40. The poor clarity, level of detail and quality of the current applications lodged by the Applicant was a consistent matter raised by many submitters. As a consultant planner, my engagement by the council was post notification and I was therefore not involved with the initial assessment of the application pursuant to section 88 of the RMA or prior to its public notification. However, in acknowledging that there is a lack of detail in the Applicant's assessment of effects, the council has developed a detailed understanding of the operations at the boatyard and the effects generated by it over the course of the consent period through routine monitoring and responding to various requests from the public. Information provided during the numerous historical resource consent applications and subsequent assessments carried out by the council over the many years that the boatyard has been in operation has been reviewed for the purposes of this application for replacement consents. For these reasons, I can clarify that the council was satisfied (pre-notification) with the level of information available, both in the application and in current and historical consents, to make a thorough assessment of the applications as proposed.
41. A number of the opposing submissions have raised concerns relating to an unresolved easement matter regarding the use of the Walls Bay Esplanade Reserve by the Applicant. It is understood that this matter went before the High Court in February this year. It is important to point out that the issue of land ownership/tenure is not a matter that can be considered under the current application, nor should it prevent the Commissioner from hearing the applications which relate to structures and associated activities within the CMA and discharges to the environment.
42. Effects regarding the Walls Bay Esplanade Reserve as a result of the Applicant's land based (land use) operations is also a matter that is beyond the jurisdiction of the current application.

43. In regards to a submission from Maiki Marks, it is important to acknowledge that while the principles of the Treaty of Waitangi should be taken into account when managing the use, development and protection of natural and physical resources, matters relating to specific land claims and proceedings under the Treaty of Waitangi are not matters that can be considered under the resource consent application process.
44. In terms of the criticism of the level of consultation undertaken by the Applicant, section 36A(1)(a) of the RMA clearly states that an applicant and the local authority are not required to consult with any other party unless they choose to do so or are required under some other enactment under section 36A(1)(b). Although it is not a requirement, it is considered RMA best practice for consultation to be undertaken prior to lodging an application to identify, and potentially resolve, issues prior to lodging the application and applicants are encouraged to do so by the council. At the time the application was lodged with the council, there was no Settlement Act that applied to the application area that would require notice to, or consultation with, any party.
45. There are no holders of Customary Marine Title (CMT) for the area. However, there are a number of parties who have made CMT applications under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), which have identified the location as being within the area of their application. Prior to the receipt of the application by the council the Applicant provided notice to the relevant CMT applicant groups in accordance with section 62 of the MACA.
46. Copies of the application were circulated upon receipt by the Council for comment in accordance with established protocols with local iwi/hapū with an interest in the area.

3.5.1 Late Submission

47. As a procedural matter, a decision as to whether the late submission received from Necia Knowles is accepted will need to be determined by the Commissioner.
48. In accordance with the council procedure for acceptance or rejection of late submissions, council staff consulted with the submitter, who advised them that they did not serve the submission on or before the closing date because they served the submission by post and that this may have contributed to the delay in receipt of the application by the council. Council staff have also consulted with the Applicant who indicated that he had no issue with the submission being accepted. The acceptance by the Applicant may be taken as an agreement to extend the timeframe under section 37 of the RMA in order to enable the submission to be received within time.

4. EFFECTS ASSESSMENT

49. The NZPI Quality Planning website³ identifies that the ‘environment’ upon which effects should be assessed is the existing and reasonably foreseeable future environment. This requires consideration for the environment as it is at the time of the application and the likelihood of change to that environment in the future, based upon the activities that could be carried out as of right and under resource consents that have been granted (where it is likely that they will be given effect to).
50. Therefore, the current application is not an opportunity to completely re-litigate the authorisation for the already consented structures and activities which expire in 2036.

4.1 Definition of Effect

51. Section 3 of the RMA defines the term ‘effect’ as including –
- (a) any positive or adverse effects; and
 - (b) any temporary or permanent effect; and
 - (c) any past, present or future effect; and
 - (d) any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes –
 - (e) any potential effect of high probability and
 - (f) any potential effect of low probability which has a high potential impact”.
52. The potential effects of this proposal are assessed to relate to the following:
- Visual amenity, landscape and natural character
 - Ecology and water quality including kaimoana
 - Public access and recreational values
 - Noise
 - Navigational safety
 - Cultural values and interests
 - Discharge related effects
 - Cumulative effects

4.1.1 Effects on Visual Amenity, Landscape and Natural Character

53. The proposed site is not located within an area identified in the RPS maps as having high natural character nor are there any outstanding natural landscapes or outstanding natural features in the vicinity of the proposed works. The application site and landscape displays a modified and developed character with existing commercial structures including the Applicant’s existing coastal and land based structures, the nearby Ōpua Wharf and the existing cluster of

³ <http://www.qualityplanning.org.nz>

moored vessels, which have the effect of extending the man-made character out from the shoreline and into the CMA.

54. The new proposed structures in this proposal replace existing authorised structures of a similar scale and character which are in keeping with and visually reflect the existing relationship between the natural environment and maritime character of other coastal activities and structures in the vicinity.
55. The new seawall is proposed to be constructed from varying sizes of stone with backfill containing small stones and broken shell from the proposed beach restoration works, not dissimilar to the existing rock seawall from which it will extend from. The proposed design of the seawall will provide a visually cohesive coastal hazard protection structure that is similar to other hard protection structures nearby. The new seawall will mitigate the existing effects of erosion to the rocky tidal area immediately below the public walking track, just north of the existing rock seawall and jetty facility by incorporating debris from various slips, along with protecting an open slip face and preventing the undermining of the land supporting the walking track. The structure will be directly connected to existing authorised structures and reflect the existing relationship between the natural environment and maritime character in the area.
56. The application proposes to rehabilitate the adjoining beach area to remove old shell and debris from the area and redeposit clean sand. While it is accepted that the removal of larger debris from beach sands would visually improve the amenity of the beach area, the lack of detail provided in the application to justify the necessity of the beach rehabilitation and makes it difficult to determine the appropriateness of such works. This is discussed further in the following section of this report that assesses effects on ecology and water quality including kaimoana and the section that relates to effects on cultural values and interests.
57. Overall, adverse effects of the proposal on visual amenity, natural character and landscapes are considered to be no more than minor.

4.1.2 Effects on Ecology and Water Quality including Kaimoana

58. As a direct result of issues raised in submissions received relating to adverse effects arising from the impacts of the dredging and discharges, the Applicant engaged the services of 4Sight Consulting to prepare an ecological survey and assessment of the site (Ecological Report)⁴. Subsequently the Ecological Report was provided to the council on 6 April 2018 and the report was circulated to the commissioners and all submitters on 9 April 2018.
59. The Ecological Report addresses concerns raised in several submissions including the Northland District Health Board (NDHB) submission, pertaining to adverse effects on water quality and ecology including kaimoana from the proposed dredging, beach rehabilitation, foreshore and seabed disturbance and construction works.

⁴ Ecological Survey: Doug's Opua Boatyard, for Doug Schmuck, Ecological Report, April 2018. 4Sight Consulting.

60. The Ecological Report concluded that (*summarised*):
- The substratum in the upper 1-2 metres of the shore is comprised mostly of gravel or sand with a high proportion of whole dead shell. The substratum in the mid intertidal zone comprises sand, gravel and shell gravel. The gravel component of the sediment increases in the mid and lower intertidal and the low intertidal is comprised of coarser gravel and sand overlaying muddy sand.
 - **Edible Shellfish Population:** The survey confirmed the presence of a small shellfish bed on the beach adjacent to the boatyard operation. The shellfish bed comprised two species of edible shellfish: pipis and cockles, (all of which appeared normal and healthy). The Ministry for Primary Industries has historically used a general guideline to define a harvestable shellfish population as 25 per m² for pipis 50 mm and over and 25 per m² for cockles 30 mm and over. The shellfish survey indicates that the beach adjacent to the boatyard supports a small but harvestable population of pipis, but not of cockles. The size frequency distribution (=age distribution) of the pipis suggests a stable bed which is maintained notwithstanding the high level of local commercial and other activity.
 - **Capital and Maintenance Dredging:** The sediment disturbance associated with the proposed dredging is likely to be minor in scale compared to the overall flux of sediment generated by catchment discharge from the Taumārere/Kawakawa River, vessel activity and wind and wave induced resuspension of shallow muddy sediments in the general vicinity. It is not expected that the small-scale dredging operation poses a significant risk in terms of mobilising contaminants.
 - **Sediment Quality:** The findings of the analysis indicated that the sediments sampled at (within ~1 metre distance from) the boatyard's slipway exhibited significantly elevated levels of Copper and Zinc relative to ANZECC Interim Sediment Quality Guidelines. This level of contamination appeared to be localised to the slipway footprint and was expected, given its long history of use for boatyard activities. The sampling demonstrated that the very high levels of those contaminants did not extend to the other sampling sites located 40 to 50 metres from the slipway within the intertidal zone on the adjacent beach, or subtidally within the proposed dredged area.
 - **Recreational Shellfish Sampling:** Compliance with Schedule 19 of the Australia New Zealand Food Standards Code (as referred to in the NDHB submission) is not appropriate in the context of the application because the code does not provide food standards for levels of Copper or Zinc. These are, as has been shown in the 4Sight sampling, the potential contaminants most commonly associated with vessels and antifouling paint that are most likely to accumulate in sediments at boatyards and slipways.
61. In a guide for food safety when gathering shellfish, the Ministry for Primary Industry states that although dangerous levels of chemical contamination are very rare in New Zealand shellfish, the collection of shellfish from areas near wharves, industry, marinas and near sewage and stormwater outlet pipes where sewage or chemicals such as antifouling paint or fuel may have been discharged is not advised (MPI 2013).

62. The boatyard can be characterised as such an industrial activity in keeping with other nearby activities and potential sources of contaminants including various stormwater and stream outlets into the same basin, passive discharges from hulls of vessels on swing moorings nearby, Ōpua Car Ferry operation, commercial activities associated with the Ōpua Wharf facilities, the Ōpua Marina and a much larger boatyard and slipway facility located further up river. It is noted that the boatyard falls within an area zoned MM4A within the RCP. Shellfish within the embayment that are potentially affected by multiples of such influences, may accumulate and carry a significant contaminant load at times. In this area, then monitoring of shellfish quality is more appropriately a matter for the consideration of the Health Board rather than a site-specific responsibility of the Applicant.
63. **Comment:** The assessment and findings of the Ecological Report are generally accepted.
64. Effects on ecology (including kaimoana) specifically relating to the proposed beach rehabilitation, dredging and slipway refurbishment are discussed below.

Beach Rehabilitation

65. As indicated in the Ecology Report, the beach adjacent to the boatyard supports a small but harvestable population of shellfish. This indicates that the beach is in a reasonably healthy state and that disturbance of the shellfish bed should be avoided. There is no assessment included within the application which identifies the level of effect the rehabilitation works would have on the pipis or any detailed mitigation of such effects. In discussions with the Applicant and referring to the submissions, the shellfish bed has been identified as a source of kaimoana for at least one local person. Sources of kaimoana are generally considered by Māori as a taonga. There is no reliable evidence or a detailed plan in place which would explain how the Applicant intends to achieve the beach rehabilitation whilst maintaining the existing shellfish resource, and there is no consideration of the likely benefit of the works to justify the potential adverse effects that the disturbance may have on this resource.
66. In summary, the Applicant has not provided sufficient detail to be able to assess the potential adverse effects on ecology of the beach including kaimoana arising from the proposed beach rehabilitation works. These adverse effects could range from minor to significant depending on what controls are applied to the beach rehabilitation. The Applicant has not provided any detailed discussion on the reason for the rehabilitation works which leads to a lack of clarity as to what controls are necessary and whether the works are thereby appropriate.

Dredging/Slipway Refurbishment

67. Given the identified location of the shellfish bed in the vicinity of the slipway, controls are required to avoid and/or mitigate adverse effects on the shellfish bed that will be generated by the proposed dredging and disturbance works associated with the slipway refurbishment. It is therefore recommended that should consents be granted for the proposed dredging and slipway refurbishment, that controls be put in place via conditions of consent requiring the extent of the shellfish bed, and for this to be identified and limit or prevent the disturbance of the foreshore or seabed shall within the extent of the shellfish bed. It is also recommended if any shellfish are recovered from beach material within the authorised works area that these shall be distributed along the beach

below the mid tide level. A requirement to provide a detailed construction management plan for the demolition, construction, refurbishment and dredging works identifying appropriate sediment controls is also recommended.

4.1.3 Effects on Public Access and Recreational Values

68. Several submissions have raised concerns with adverse effects to public access and recreational use along the Ōpua to Paihia walkway and within the CMA.
69. The placement of the proposed rock seawall is intended to improve the security of the public access along a 40 metre section of the public walkway, which will continue on from the existing rock seawall just north of the proposed jetty facility location. It was noted during a site visit that this area of the track is presently showing signs of undermining and slippage from weather events and king tides. The extended seawall will provide erosion control and coastal protection to this well utilised public resource, thereby maintaining public access and recreational use.
70. While the proposed dredging is required to meet the needs of the Applicant's boatyard operations, it is noted that the dredging around the slipway and adjoining beach area will also provide better low tide access to the adjoining mooring area from the public dinghy racks located on the Walls Bay Esplanade Reserve by providing deeper water closer to the reserve for dinghy owners who would otherwise need to traverse areas of mud flats at low tide.
71. During the demolition, construction and dredging period, it is acknowledged that there will be restricted access to parts of the CMA in the vicinity of the works. However, this will be temporary and the effects of the restriction of access are anticipated to be no more than minor.
72. A number of submissions have suggested that the proposal will impact on the public carparking along Richardson Street and within the adjoining area. It is understood that additional carparking is available on the Applicant's commercially zoned property at the boatyard site. Furthermore, the current proposal does not suggest any intensification to the current authorised boat maintenance and chartering activities occurring at the site. For these reasons, adverse effects to public carparking as a result of this current application are considered to be less than minor.
73. Effects specifically relating to exclusive occupation of the CMA are discussed below.

4.1.4 Effects of Proposed Exclusive Occupation and Use on Public Access and Navigation

Extended Seabed Occupation Area

74. The existing jetty facility and slipway have been in place and operational as part of the boatyard operations for a considerable number of years. The exclusive occupation of the foreshore and seabed in the vicinity of these coastal structures has been necessary for the safe and efficient operation of the boatyard business. The current proposal seeks to extend the authorised seabed occupation area on several metres on all boundaries to include the whole of the area surrounding the reconstructed jetty facility and its associated

mudcrete grid and vessel berths and the working boat mooring and pull. The proposed extensions are of a relatively small scale and the proposed new area of occupation predominantly in a northerly direction, away from the main recreational area of the adjoining beach and a few metres to the south in the vicinity of the dinghy ramp. As long as the pedestrian public are able to retain access to and use of the dinghy ramp and beach areas on the southern side of the occupation area the adverse effects resulting from the extended occupation area (in particular on public access and recreational values) are considered to be no more than minor.

Marina

75. The application includes the use of two pontoon berths (located at the seaward end of the reconstructed jetty facility) as a marina. The two small vessel pontoon berths technically fit the RCP definition of a marina, as they will provide for the permanent mooring of vessels. The RCP allows for the potential for marina development in MM4A provided the proposal is appropriate at the site.
76. The requirement for the proposed marina is for the temporary or long-term berthage of vessels used for accommodation while berthed at the facilities. The Applicant has indicated that this is likely to be for clients utilising the boatyard facilities, but could also be available to others. In terms of footprint and scale, the proposed marina is a 12 metre long by 4 metre wide floating pontoon, which is of a similar scale and will be located adjacent to the existing authorised floating pontoon associated with the existing jetty facility to be removed. In this context and in considering the character of the site, it is assessed that the marina is an appropriate development, subject to effects relating to public access and recreational values which are discussed in the paragraphs following.

Use of Structure at the Exclusion of Others

77. Under the current resource consent authorisation for the existing structures, reasonable public access to and through the occupation area and on the existing jetty facility is a requirement by way of consent condition. The current proposal seeks to limit public access to the first 14.7 metres of the reconstructed jetty facility. A locked swing gate is proposed to restrict access further along the fixed jetty to the parts of the jetty alongside the mudcrete grids, working berths and the floating pontoon (marina). The Applicant has indicated that the restriction of public access to these areas is primarily for security and safety reasons. In discussions with the Applicant, he has suggested that some form of registration system would be acceptable, whereby controlled access could be given to the public if required.
78. In determining the current level of public use of the existing jetty facility, the submissions received were considered along with conversations with council staff and the Applicant. From consideration of this combined information, it is understood that the current level of public use is not high, given the nature of the existing jetty facility operating as a full 'working wharf' inclusive of boat maintenance operations and a boat chartering office, with associated health and safety concerns evident.

79. It is understood that the establishment of the existing jetty facility was for the purposes of providing for boat maintenance activities and to be utilised as a 'working wharf' in conjunction with the adjoining land based boatyard operations. It also must be acknowledged that the adjacent beach area is accessible via the foreshore at a variety of locations along the Ōpua to Paihia walkway, from the Walls Bay Esplanade Reserve from the adjoining road and other opportunities for accessing the CMA are located nearby at Beechy Street, from the nearby Ōpua Wharf and the Ōpua Marina. The public dinghy racks located on the adjoining Walls Bay Esplanade Reserve indicate the beach to be an important location for access to the adjoining mooring area. These access provisions further reduce the necessity of the jetty facility as a point of public access.
80. Nevertheless, it is recognised that some level of public access may be appropriate over the reconstructed jetty facility. The nearby Ōpua Marina is required to provide public walking access to its pontoons during certain hours. However, the public are required to register/retrieve a key code for security reasons. It is recommended that in the event of consent being granted, a similar condition be imposed, to allow for controlled public access over the reconstructed jetty facility.
81. In light of the above, adverse effects to public access and recreational values as a result of exclusive occupation sought are assessed as being minor subject to consent conditions.

4.1.5 Effects on Navigational Safety

82. In terms of the proposed capital dredging, the Applicant has acknowledged that moorings will be affected with the only two moorings to fall within the proposed channel being his own moorings (#M630 and #M672). Correspondence from the Applicant's marine service provider, suggests that existing moorings will be 'slightly shuffled' out of the dredge cut prior to dredging and then will be replaced to their original position once dredging in the mooring field is complete. The correspondence further indicates that should a mooring be positioned on a batter of the dredge cut, a level bench will be cut in location of the mooring to prevent the mooring sliding down slope. An approximate overlay of the proposed dredging area on the mooring field is shown in Figure 6.
83. The Regional Harbourmaster has expressed concern with the proposal to dredge an approach channel in the proposed location. He has indicated that he has not been convinced of the benefit of a dredged channel to the jetty facility through a dedicated mooring field, although he is reasonably comfortable with the proposed dredging in the immediate vicinity of the proposed new jetty facility i.e. dredging associated with the jetty berth areas including the mudcrete grids and with the adjacent slipway as these areas are well away from the existing moorings.
84. The Harbourmaster is able to direct the movement of the relocation of vessels and moorings within a Mooring Area as a permitted activity. The Walls Bay mooring area is presently highly allocated and a high degree of precision is required for the placement of moorings to ensure that maritime incidents do not occur as a result of movement of moorings.

85. The Harbourmaster has indicated that he would not be prepared to issue any direction to move or relocate moorings (and their associated vessels) in respect of the Applicant's proposal. Based on the information provided to him to date, the Harbourmaster has raised the following particular concerns:
- No management plan has been provided to the Harbourmaster with details of how the moorings and their vessels will be safely moved prior to dredging, securely stored during dredging and replaced upon the conclusion of the dredging activities.
 - To date the Applicant has not provided sufficient detail of the proposed dredging area and location (lack of specific location co-ordinates for the position of the channel and batters) in order that potentially affected moorings can be specifically identified. The Harbourmaster considers that there may be significantly more moorings affected by the proposed channel dredging than those identified in the application.
 - No details of how the dredging operator proposes to undertake the dredging within this highly allocated mooring area has been provided with the application. More details of the operational footprint of the dredge barge (including buffer distances) and how the dredger proposes to manage the dredging activity whilst ensuring safety of adjacent vessels and moorings is required.
 - The dredging operator is not a contractor that has been approved for the removal, upgrade and replacement of moorings, and may lack the required plant and equipment to ensure the replacement of moorings with the precision required and upgraded configuration
 - Mooring configurations (i.e. ground and intermediate chain lengths) may need to be upgraded to accommodate the increased depth of the dredged channel and batters.
 - No agreements appear to be in place as to who will bear the cost of any removal, storage or replacement of moorings and vessels during the proposed dredging.
86. The Harbourmaster has indicated that a detailed Mooring Management Plan for the proposed dredging prepared by an approved mooring contractor would be required to be provided before he would consider approving the movement of moorings and vessels to enable the proposed dredging to occur.
87. It is understood that the Applicant will endeavour to address the Harbourmaster's concerns at or prior to the hearing.
88. **Note:** The dredging of an access channel does not entitle the Applicant to exclusive use of the channel, it will only provide benefit to the extent that it provides a certainty as to the depth of water through which navigation can occur (to the extent that it is not already occupied by a moored vessel and the associated mooring gear).

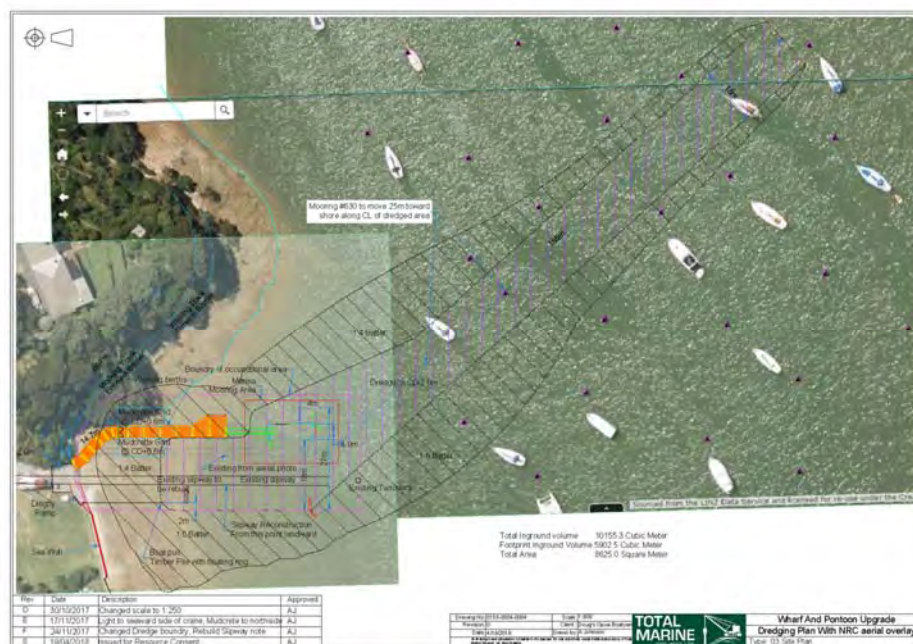


FIGURE 6: Dredging Area, Adjoining Mooring Field and Area of Reconstructed Jetty Facility

4.1.6 Effects on Cultural Values and Interests

89. A number of submissions have raised concerns with adverse effects to the cultural values and interests of the area.
90. As discussed earlier in this report, the council circulated a copy of the application to the relevant iwi/hapū groups with recognised interest in the area. These iwi/hapū groups included Ngāpuhi, Te Rūnanga o Ngāti Hine, Waikare Marae and Kāretu Marae. Comment was invited on any concerns that these iwi/hapū groups had with the proposal and how it might impact on their relationship, culture and traditions with the area, including wāhi tapu and other taonga. Subsequently, a submission in opposition to the application was received from the Waikare Marae Māori Committee, prepared by the Chairperson, Peter Clark. No comments have been received from the remaining three notified iwi/hapū groups at the time of completing this report.
91. The submission from the Waikare Māori Committee opposes the application for reasons including spiritual and cultural grounds and lack of consultation with tangata whenua. Cultural impact effects, to some level, were also raised in submissions from Ms Marks and Ms Clark.

92. The application states that the proposal will have no known impact on any cultural or ethnic relationship with the CMA that does not already exist with the functions of the current resource consents. However, the Applicant has acknowledged the existence of a small pipi bed in the locale and of his intention to protect the shellfish bed during the proposed dredging operations. A submission from a local shellfish gatherer, Mr Gardener, supports this stance by the Applicant and states that the Applicant had sought local advice on methods of pipi protection.
93. In terms of consultation with tangata whenua, the assessment of effects included with the application acknowledges that *“consultation for the proposed has been specific to those directly affected surrounding the site”* and that *“further consultation will follow any general requirements by way of public notification”*. The specific details of parties who were consulted by the Applicant were not included in the application.
94. In terms of my assessment, Te Rūnanga o Ngāti Hine have an iwi management plan relevant to the location of this application to which the objectives and policies contained within this plan have been considered. It is acknowledged that the shellfish bed located adjacent to the slipway and beach area is a source of kaimoana for at least one member of the community, and as such is a taonga of importance to tangata whenua that needs to be considered. As discussed earlier in this report, it is recommended that in the event of consent being granted, controls must be put in place to avoid the disturbance of the shellfish bed and that any shellfish recovered from beach material within the works area be distributed along the beach below the mid tide level.
95. Aside from the existing shellfish bed within the vicinity of the proposed site, there are no further identified customary activities that are considered likely to be put at risk by the implementation of the proposal.
96. While the New Zealand Archaeological Association website does not show any registered archaeological sites located within the vicinity of the site, there is a relatively remote potential for unrecorded sites to be disturbed as a result of the construction and foreshore/seabed disturbance activities.
97. If consent is granted, it is therefore appropriate that as a precautionary measure, that the council’s standard condition relating to archaeology be imposed; which requires works to cease in the event of kōiwi or new archaeological sites/artefacts being discovered and requires consultation with Heritage New Zealand Pouhere Taonga before works are able to resume.

4.1.7 Noise Effects

98. It is acknowledged that demolition, construction and use of the structures will generate noise that may be audible from neighbouring properties. The noise associated with the removal of the existing jetty facility and construction of the new proposed structures, associated dredging and beach refurbishment will be controlled by consent conditions that reference construction noise standards. Operational noise is also controlled by the existing conditions of consent. The new proposed works are not likely to attract any additional boat traffic other than that considered by the original application. The construction noise associated with the proposal will be intermittent, occur during standard working days and is considered to result in minimal adverse effects on nearby residents

or visitors to the bay. There will be no additional noise effects expected to arise from the new jetty facility in respect of its operation and use.

99. Adverse effects from noise on neighbours arising from construction activities and use of the facilities attributed to the proposed works are considered to be no more than minor.

4.1.8 Cumulative Effects

100. Assessing cumulative effects is the act of measuring the effects of a proposal against the effect of existing activities in the receiving environment and determining what their combined impact will be. The current application does not propose to add any additional structures to the CMA, other than from a new seawall for the purpose of coastal hazard protection. While the new seawall will continue on from the existing (most northern) seawall at the site, it is accepted that this additional structure within the CMA will have a low degree of cumulative effect on the surrounding environment.
101. The reconstructed jetty facility will occupy a similar footprint to the existing jetty facility to be removed, with the total length of the new jetty facility equal to that of the existing facility. The refurbished slipway will result in a reduction of CMA occupation.
102. Overall, it is considered that the proposal will have no more than minor adverse cumulative effects on the surrounding environment.

4.1.9 Discharge Related Effects

103. The current suite of discharge permits were granted consent in 2008 for a 10 year consent term with the exception of the 'discharge stormwater to a watercourse' permit being granted for one year.
104. The relevant discharge permits have now come up for renewal and the Applicant is requesting a new consent term of 18 years.
105. From the various application documentation supplied, it is understood that the Applicant has recently reduced his operations at the boatyard by up to 75%, thereby decreasing discharge related effects on the surrounding environment. However, discharge permits remain necessary for the continuation of boatyard operations at the site regardless.
106. Other changes to the boatyard operation in recent years include the redirection of the discharge of treated washdown water from the boat yard to the CMA as trade waste into the Far North District Council (FNDC) Ōpua Sewer Scheme (since late 2012).
107. The discharge permits relevant to this application are:
- Discharge to the CMA from vessel maintenance activities on the mudcrete grids including vessel washdown water;
 - Discharge contaminants to air in the CMA (adjacent the jetty) from vessel maintenance activities;
 - Discharge of contaminants to air (boat yard) from vessel maintenance activities;

- Discharge contaminants to land from vessel maintenance activities; and
 - Discharge stormwater to the CMA.
108. In preparing the following assessment of discharge related effects, a number of previous council documents were considered (in addition to the current application documentation, submissions received and general discussions with council staff). These were:
- Council's s42A staff report dated 22 February 2008 for CON20060791410–15.
 - Hearings Committee decision dated 29 April 2008 for CON20060791410–15.
 - Comments received from Ricky Eyre, the council's Coastal Monitoring Manager in regards to past compliance and current requirements for conditions for the site.
109. The 'effects assessment' from the council's s42A report and Mr Eyre's comments are reproduced and attached as Appendix C to this report.

4.1.10 Washdown Water and Stormwater Discharges to the Coastal Marine Area

110. Stormwater at the site is processed through a primary filter before entering the settlement chamber to collect solids. Oil, grease and any floating materials are retained in the settlement chamber using a suspended weir. Secondary and tertiary filters further treat the stormwater before discharging into the CMA.
111. The Applicant has indicated that on top of daily operational inspections of the treatment system that occur when activities are occurring in the boatyard, inspections are undertaken every six months which include inspecting the treatment system for blockages, removal of built-up sediment and rubbish, inspection of the concrete pads for spent abrasive, replacement of damaged screens and filter socks.
112. The current Management Plan for the boatyard indicates that the treatment system is maintained annually or more frequently if required. Maintenance includes the replacement of filter media, clearing of accumulated sediment and cleaning all inlets and outlets.
113. There has been no observed scouring around the site of the existing stormwater outlet pipes, this is not unexpected as the stormwater catchment area is small and the volume of stormwater to be discharged is relatively low and dependant on rainfall intensity.
114. Further to the above assessment, and if consent is granted for the discharges, the following control measures have been recommended by the coastal monitoring team in order to meet current council protocols and mitigation requirements in terms of stormwater discharges from sites that undertake vessel maintenance:

- In regards to maintenance of the stormwater treatment system: Any used filter media and sediment removed from the system is required to be stored and disposed of as per the Spent Abrasive Storage and Disposal Guidelines, and that residual water removed from the system during maintenance be disposed of in the FNDC trade waste system.
 - Treated stormwater may only be discharged to the CMA once the impervious surfaces of the boatyard have been cleaned down and debris from maintenance activities removed which shall happen as soon as practical after the maintenance work and at least at the end of the day. This process should be documented in an updated management plan for the facility to detail how it is carried out.
 - The compliance point for sampling stormwater metals is required to be moved to the point of discharge. Sediments and other water quality parameters are able to remain at the mixing zone. This requirement will aid in the monitoring of the discharges by ensuring the results are directly applicable to the consented area.
115. As previously discussed, during 2012, wash water from vessel washing was successfully redirected to the Ōpua Sewer Scheme, negating the need for the renewal of the consent for discharge of treated wash water from the boatyard to the CMA. However, the current proposal includes light washing down of vessel hulls along with ancillary scrapping of vessel hulls or fixtures below the waterline associated with the use of mudcrete grids. A discharge permit is therefore required for the discharge of this hull washdown water to the CMA.
116. In terms of the discharge arising from the use of the mudcrete grids, the Applicant has indicated that the vessel cleaning and scraping activities will be carried out at low tide and that drop sheets will be used to contain any solids and/or sludge which will be removed from the hulls prior to the ebb of the tide and this contained material will be disposed of at an appropriate off-site facility.
117. If consent is granted for the mudcrete grids and the discharges associated with activities undertaken on them, conditions controlling their use and ongoing monitoring of the contaminants in sediments nearby have been recommended.

4.1.11 Discharge of Contaminants to Land

118. The unconfined groundwater system beneath the Applicant's property and adjoining Walls Bay Esplanade Reserve is not used for water supply, nor is it likely to be suitable for water supply.
119. The discharge to land is unlikely to have a measurable effect on water quality in the CMA, as a result of passage through the ground, although it is likely to contaminate, to some extent, stormwater leaving the site.
120. During extended grinding, scraping and sanding, current management operations include the use of drop sheets or pans, the contents of which are disposed of daily at an approved disposal site. Other controls that include the avoidance of maintenance activities during wind or rain, and a requirement that water blasting or washing of vessel hulls take place over impervious yard surfaces only (i.e. the turntable) which collects wastewater for disposal to trade waste via the wastewater treatment system.

121. In discussions with council monitoring staff, these control measures have not always resulted in the successful removal of contaminants from the site and it is recommended that a condition of consent be included requiring water blasting and sanding activities be undertaken on a bunded impervious surface of sufficient size to fully collect all water and debris (i.e. an area larger than the vessel). It is, however, noted that such a condition may not be able to be implemented until the land tenure issues have been resolved with the FNDC.

4.1.12 Discharge of Contaminants to Air

122. The continuance of activities at the boatyard involving cleaning, maintenance and painting of vessels have the potential to cause a range of adverse effects including dust nuisance, potential health effects from exposure to paint vapours, odour nuisance and paint overspray.

Abrasive Blasting and Dust Nuisance

123. In terms of dust nuisance, it was established in the previous council effects assessment (reproduced in Appendix C of this report) for the current discharge permits that the location of the boatyard site is a sufficient distance from adjoining residential properties to ensure that dust is unlikely to present any nuisance to adjoining property owners. It is considered that this assessment is still valid.

Spray-painting

124. The previous council effects assessment also refers to a computer dispersion model provided by a consultant engaged by the Applicant in order to predict the maximum one hour concentration of each contaminant beyond the boundary of the boatyard site. A review of the results revealed that the maximum predicted one hour average concentration likely to occur for each contaminant was below the relevant human health guideline, therefore indicating that emissions of volatile organic compounds (VOC's) were unlikely to present any significant risk to human health.
125. In terms of odour generated from spray-painting, it is recommended that the current controls remain in place including the prevention of applying antifouling paint with spray equipment when the wind speed is below 0.5 m/s or when the prevailing wind is blowing from the north-east, east or south-easterly direction.
126. In communications with the council's monitoring staff, over-spray from spray-painting has not been an area of concern. However, if problems do become apparent in the future, a section 128 review clause condition is recommended to be included to potentially limit the equipment to the use of brushes and non-air atomising spray guns. Single hand held aerosol cans would be exempt.
127. In order to meet council and EPA requirements, it is recommended that in the event of granting consent, conditions be included to ensure that spray-painting complies with EPA requirements and guidance⁵ for antifoul application and that at the very least, screening be erected and used at all times to ensure air discharges are minimised outside of the impervious surface.

⁵ <https://www.epa.govt.nz/assets/Uploads/Documents/Hazardous-Substances/Guidance/Safely-using-antifouling-paints.pdf>

4.2 Summary and Conclusion of Discharge Related Effects

128. A number of submissions raised concerns with the current discharge practices at the boatyard site. However, no specific details in relation to these issues was provided. In discussions with council monitoring staff, various complaints have been recorded over the years, predominantly relating to the cleaning and sanding of vessels on the parts of the slipway within the Walls Bay Esplanade Reserve (which is not a matter of consideration under this application) and air discharges. A number of the complaints lodged upon council inspection did not result in establishing non-compliance with conditions of consent, with the other complaints resulting in minor or very minor non-compliance upon council inspection.
129. Council consent monitoring has found that overall, the boatyard is largely compliant with the various discharge consent conditions as they relate to the existing consents and that it is generally consistent with the level of compliance of other boatyards within the Northland region. However, in order to meet current council standards, a number of changes/additions have been recommended in the event of consent being granted for the discharge consents.
130. The discharge permits have been long standing activities at the boatyard site and any adverse effects on the environment associated with the renewal of these permits is considered to be no more than minor subject to the suggested control measures.

4.3 Effects Evaluation and Conclusion

131. The effects on the environment of the proposal have been evaluated and determined as follows:

4.3.1 Early Replacement Consents

132. In terms of the effects of extending the consent term of the currently consented activities and structures (early consent replacements), council monitoring reports and discussions with council staff have indicated that full consent compliance has been observed. Correspondence from council monitoring staff has confirmed this with the most recent compliance inspections undertaken in 2016. The assigned monitoring officer made the following statement in respect of the structures *“My 2016 inspection found all structures complying with conditions of the resource consent and well maintained. Structures inspected and authorised include the wharf, slipway, seawall and dingy ramp”*.
133. In addition, the consent term for these structures and associated activities does not expire for another 18 years. Based on the historical operating nature and character of the site, the extension of an additional 17 years for these activities is considered to have no more than minor adverse effects on the environment as long as they are maintained in good order and repair.

4.3.2 Renewal Consents

134. The effects associated with the renewal of the discharge related consents are considered to be no more than minor subject to recommended conditions.

4.3.3 New Consents

135. In terms of effects associated with the demolition of the existing jetty facility, the construction of a new jetty facility (being a fixed jetty, gangway, pontoon and piles and associated services including three working berths), the marina activity, installation and use of mudcrete grids, refurbishment of the slipway, extension of stormwater pipes, construction of a new rock seawall, and dredging (as far as it provides for the jetty berths, mudcrete grids and slipway) and the extension to the authorised exclusive occupation area, the following conclusion was reached:
- Overall, the new proposed activities, as outlined above, were assessed as generally having minor or no more than minor adverse effects on the environment provided recommended consent conditions are imposed.
136. The effects of the proposed beach rehabilitation works were not able to be adequately assessed and were identified as potentially having minor to more than minor adverse effects to cultural values and ecology including kaimoana, dependant on the controls imposed.
137. The effects of the proposed capital dredging as far as it relates to the new proposed access channel and its effects on existing moorings were not able to be adequately assessed and were identified as potentially having minor to more than minor adverse effects to navigational safety, dependant on the controls imposed.

5. ALTERNATIVES

138. No alternatives were proposed by the application. However, in discussions with the Applicant, it is understood that prior to the application for the new jetty facility, potential upgrades to the existing jetty facility were initially considered and that due to the significant level of capital investment required and similar level of disturbance to the environment for both new and replacement options, a new jetty facility was regarded as a more efficient and appropriate option.

6. SECTION 104(1)(B) ASSESSMENT OF THE OBJECTIVES AND POLICIES OF NATIONAL POLICY STATEMENTS, THE REGIONAL POLICY STATEMENT AND RELEVANT REGIONAL PLANS

139. In considering an application for resource consent, the council is required, under section 104 of the Act, but subject to Part 2 of the Act, to have regard to a range of matters as may be relevant in the case of a particular application. The matters to be had regard to under section 104(1) that are directly relevant to this application, are:
- any actual and potential effects on the environment of allowing the activities; and
 - any relevant provisions of the following statutory planning documents:
 - The New Zealand Coastal Policy Statement 2010 (NZCPS);

- The Regional Policy Statement for Northland (RPS);
- The Regional Coastal Plan for Northland (RCP);
- Regional Water and Soil Plan for Northland (RWSP);
- Regional Air Quality Plan for Northland (RAQP);
- The Proposed Regional Plan for Northland (PRP).

140. The actual and potential effects on the environment have been assessed in the Effects Assessment sections of this report. Those findings form the basis for consideration against the relevant policy statements and plan provisions.

6.1 New Zealand Coastal Policy Statement and Regional Policy Statement for Northland

141. The New Zealand Coastal Policy Statement 2010(NZCPS) sets out national priorities and policies for the coastal environment. It contains seven objectives and 29 policies that closely relate to and, in turn, expand upon matters set out in Section 5, 6, and 8 of Part 2 of the Act. The Part II matters of the Act that are relevant to activities in the coastal environment are largely embodied by the objectives and policies of the NZCPS. The objectives and policies of the Regional Policy Statement (RPS) largely mirror those contained in the NZCPS and are expressed in a regional context for Northland.

142. The following NZCPS objectives and policies, and their corresponding RPS objectives and policies, are considered of most relevance to this application.

Note: In the interests of brevity, the relevant NZCPS objectives and policies are clustered together and addressed along with the related RPS objectives and policies. These objectives and policies are lengthy and where possible only those policy elements that are directly relevant to this application are quoted.

143. NZCPS Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Comment:

144. This NZCPS objective links to NZCPS Policy 11 – Indigenous biological diversity. This is a policy aimed at protecting indigenous biological diversity in the coastal environment by avoiding adverse effects on threatened or at risk taxa, naturally rare ecosystems, and avoiding significant adverse effects and remedying or mitigating other adverse effects on all other coastal areas and habitats. Policy 11 of the NZCPS is reflected in the RPS objective 3.4 and policy 4.4.1.

145. **RPS Objective 3.4**

Safeguard Northland's ecological integrity by:

- (a) *Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (b) *Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- (c) *Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.*

146. **RPS Policy 4.4.1 – Maintaining and Protecting Significant Ecological Areas and Habitats**

- (1) *In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:*
 - (a) *Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - (b) *Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;*
 - (c) *Areas set aside for full or partial protection of indigenous biodiversity under other legislation.*
- (2) *In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:*
 - (a) *Areas of predominantly indigenous vegetation;*
 - (b) *Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;*
 - (c) *Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.*
- (3) (Not relevant)

- (4) *For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:*
- (a) *Recognise that a minor or transitory effect may not be an adverse effect;*
 - (b) *Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;*
 - (c) *Recognise that there may be more than minor cumulative effects from minor or transitory effects.*
- (5) (Not relevant)

Comment:

147. The Ecological Report from 4Sight Consulting⁶ concluded that the sediment disturbance associated with the proposed dredging is likely to be minor in scale compared to the overall flux of sediment generated by catchment discharge, vessel activity and wind and wave induced resuspension of shallow muddy sediments in the vicinity. It has also been established that the proposed jetty reconstruction, slipway refurbishment and seawall will have minimal effects on sedimentation rates and patterns in the vicinity of the site.
148. The assessment of effects has not identified any rare habitat, or significant/threatened indigenous fauna or flora that would be placed at risk by the proposal. However, a healthy shellfish bed has been identified in the vicinity of the slipway and adjoining beach area which will require protection during the proposed dredging, slipway refurbishment and beach restoration works.
149. The extent of effects from the proposed beach rehabilitation on ecology of the area of the beach to be disturbed including effects on kaimoana are unknown or uncertain and have not been able to be fully assessed due to the lack of information provided with the application.
150. **NZCPS Objective 2**
- To preserve the natural character of the coastal environment and protect natural features and landscape values through:*
- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
 - *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
 - *encouraging restoration of the coastal environment.*

⁶ Ecological Survey: Doug's Opuia Boatyard, for Doug Schmuck, Ecological Report, April 2018. 4Sight Consulting.

Comment:

151. This NZCPS objective links to the NZCPS Policies 13 and 15. Policy 13 relates to the preservation of natural character and Policy 15 relates to the protection of natural features and landscapes. They are policies aimed at protecting natural character and landscapes of the coastal environment from inappropriate development. These policies are reflected in objectives 3.14, 3.15 and policy 4.6.1 of the RPS.
152. **RPS Objective 3.14 – Natural Character, Outstanding Natural Features, Outstanding Natural Landscapes and Historic Heritage**
Identify and protect from inappropriate subdivision, use and development:
- (a) *The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*
 - (b) *The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;*
 - (c) *The integrity of historic heritage.*
153. **RPS Objective 3.15 – Active Management**
Maintain and/or improve:
- (a) *The natural character of the coastal environment and fresh water bodies and their margins;*
 - (b) *Outstanding natural features and outstanding natural landscapes;*
 - (c) *Historic heritage;*
 - (d) *Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);*
 - (e) *Public access to the coast; and*
 - (f) *Fresh and coastal water quality*
- by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.*
154. **Policy 4.6.1 – Managing Effects on the Characteristics and Qualities Natural Character, Natural Features and Landscapes**
- (1) *In the coastal environment:*
 - (a) *(Not relevant)*
 - (b) *Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods, which may achieve this, include:*
 - (i) *Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*

- (ii) *In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks/disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
- (iii) *Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*

(2) (Not relevant)

(3) *When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:*

- (a) *Recognise that a minor or transitory effect may not be an adverse effect;*
- (b) *Recognise that many areas contain ongoing use and development that:*
 - (i) *Were present when the area was identified as high or outstanding or have subsequently been lawfully established*
 - (ii) *May be dynamic, diverse or seasonal;*
- (c) *Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and*
- (d) *Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.*

Comment:

155. The application site and the surrounding landscape display a modified and developed character with existing commercial structures including the Applicant's existing coastal and land based structures, the Ōpua Wharf and the existing cluster of moored vessels, extending the man-made character out from the shoreline and into the CMA. The new proposed structures in this proposal are directly associated with the existing authorised structures and visually reflect the existing relationship between the natural environment and maritime character of other coastal activities and structures.

156. **NZCPS Objective 3**

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*

- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Comment:

157. This NZCPS objective links to the NZCPS Policy 2, which takes into account principles of Te Titiri o Waitangi and kaitiakitanga when determining activities in the coastal environment. The policy fundamentally recognises the relationship Māori have with the coastal environment and provides for this relationship by providing for opportunities for participation and involvement in decision making. This policy is reflected in objective 3.12 and policies 8.1.1 to 8.1.4 and 8.2.1 of the RPS.

158. **RPS Objective 3.12 – Tangata Whenua Role in Decision Making**

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

159. **RPS Policy 8.1.1 – Tangata Whenua Participation**

The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.

160. **RPS Policy 8.1.2 – The Regional and District Council statutory responsibility**

The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):

- (a) *Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;*
- (b) *Have particular regard to kaitiakitanga; and*
- (c) *Take into account the principles of the Treaty of Waitangi including partnership.*

161. **RPS Policy 8.1.3 – Use of Mātauranga Māori**

The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.

162. **RPS Policy 8.1.4 – Māori Concepts, Values and Practices**

Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.

163. **RPS Policy 8.2.1 – Support for Iwi/Hapū Management Plans**

The regional council will recognise the value of iwi and hapū management plans in decision-making under the Resource Management Act 1991 and the need to support tangata whenua in the development and implementation of these plans.

Comment:

164. As part of established protocols between the council and local iwi and hapū, the application was circulated to local iwi/hapū inviting comment/concerns relating to how the proposal may impact on the iwi/hapū's relationship, culture and traditions with the area, including on sites, waāhi tapu, and other taonga. Three of the four iwi/hapū to which the circulation was made, did not raise any concerns with the proposal in response to this circulation. A letter advising public notification of the application was also circulated to these iwi/hapū groups and a submission from the Waikare Māori Committee was subsequently received which raises concerns with impact of the proposal on spiritual and cultural values.

165. Te Rūnanga o Ngāti Hine have an iwi management plan relevant to the location of this application to which the objectives and policies contained within this plan have been considered during the processing of this application. Sources of kaimoana are generally identified as taonga for tangata whenua, and to that end the shellfish bed located adjacent to the slipway and beach area has been recognised as being of local importance recognised as a source of kaimoana for at least one member of the community. Appropriate conditions have been recommended to ensure the protection of the shellfish bed during dredging and works requiring disturbance of the foreshore and seabed. However, in terms of the proposed beach rehabilitation, there is a high degree of uncertainty in terms of the significance of the effects on taonga including kaimoana.

166. **NZCPS Objective 4**

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the CMA is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the CMA without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the CMA; and*
- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the CMA advances inland.*

Comment:

167. This NZCPS objective links to the NZCPS Policy 18 and 19, which are policies that recognise the need and protection of public open space including the public expectation of and need for walking access to and along the coast.

168. **NZCPS Policy 18: Public Open Space**

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*
- (e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Comment:

169. Existing walking access to and along the CMA is maintained by the proposal. Only one additional structure to those currently authorised is proposed in this application, that being the new sea wall which will protect and maintain the quality of the Ōpua to Paihia walking track by providing erosion control and coastal hazard protection in the vicinity of the application site.

170. The restriction of the public to parts of the reconstructed jetty has been determined as an appropriate provision given the nature of the facility being a 'full working' wharf and the health and safety risks involved with its operations. Furthermore, multiple forms of public access to the CMA are available at the locale and the existing jetty facility was constructed expressly for commercial/industrial purposes providing for activities associated with the boatyard operations rather than a facility to facilitate access to the CMA for the public.

171. **NZCPS Policy 19: Walking Access**

- 1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
- 2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - (a) identifying how information on where the public have walking access will be made publicly available;*
 - (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - (c) identifying opportunities to enhance or restore public walking access, for example where:*

- (i) *connections between existing public areas can be provided; or*
 - (ii) *improving access would promote outdoor recreation; or*
 - (iii) *physical access for people with disabilities is desirable; or*
 - (iv) *the long-term availability of public access is threatened by erosion or sea level rise; or*
 - (v) *access to areas or sites of historic or cultural significance is important; or*
 - (vi) *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
3. *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
- (a) *to protect threatened indigenous species; or*
 - (b) *to protect dunes, estuaries and other sensitive natural areas or habitats; or*
 - (c) *to protect sites and activities of cultural value to Māori; or*
 - (d) *to protect historic heritage; or*
 - (e) *to protect public health or safety; or*
 - (f) *to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
 - (g) *for temporary activities or special events; or*
 - (h) *for defence purposes in accordance with the Defence Act 1990; or*
 - (i) *to ensure a level of security consistent with the purpose of a resource consent; or*
 - (j) *in other exceptional circumstances sufficient to justify the restriction.*
4. *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*

Comment:

172. The application has identified that the purpose of the exclusive occupation area (and extension to it) is to better able the Applicant to manage health and safety for users of the jetty facility and to improve security, therefore a restriction on public walking access satisfies Policy 19(3). However, in accordance with Policy 19(4), before placing a restriction on the current access to the existing jetty facility, alternative free access should be considered. The application has technically not satisfied this requirement although it is understood that the current level of public use of the facility is low and there are a range of alternative options providing free public access to or along the CMA nearby.

173. **NZCPS Objective 6**

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the CMA;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the CMA should not be compromised by activities on land;*
- *the proportion of the CMA under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the CMA can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Comment:

174. This NZCPS objective links to the NZCPS Policy 6 which relates to activities in the coastal environment. It is a policy aimed at managing appropriate development within the coastal environment and directs consideration of the appropriateness of the activity, the functional need for the activity to be in the coast, ensuring that activities are appropriately located, and promotes the efficient use of occupied space. These policies are reflected in objectives 3.5, 3.10, 3.15 and relevant policy 4.6.1 of the RPS.

175. **RPS Objective 3.5 – Enabling Economic Wellbeing**

Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

176. **RPS Objective 3.10 – Use and Allocation of Common Resources**

Efficiently use and allocate common natural resources, with a particular focus on:

- (a) *Situations where demand is greater than supply;*
- (b) *The use of freshwater and coastal water space; and*
- (c) *Maximising the security and reliability of supply of common natural resources for users.*

Comment:

177. In terms of local economy, the boatyard business has provided a unique level of service to the local and international boating community for a number of years and the submissions in support reference this high level of specialised service which appears to be in good demand. In addition, NZCPS Objective 6 recognises that to enable the social, economic, and cultural wellbeing of people and their health and safety (including the Applicant and users of the facilities) some limits on the use of and access to the jetty facility may be contemplated in appropriate places and with appropriate limits placed on it.
178. The level of effect or the necessity for the proposed beach rehabilitation is not clear from the various application documentation and the management of potential effects on existing moorings and moored vessels in terms of the proposed dredged channel has not been provided.
179. **NZCPS Policy 3 – Precautionary Approach**
1. *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*
 2. *(Not relevant)*

Comment:

180. The environmental effects associated with ongoing occupation of the coastal marine area by the existing structures including the replacement jetty facility and the new seawall are well understood, as are the potential effects arising from associated boatyard activities and proposed dredging around the jetty berths and slipway.
181. A precautionary approach to the proposed beach rehabilitation and dredging of the access channel is recommended due to the lack of detailed information provided in the application in terms of determining effects and providing appropriate mitigation.
182. **RPS Policy 4.8.1 – Demonstrate the need to Occupy Space in the Common Marine and Coastal Area**
- (1) *Only consider allowing structures, the use of structures and other activities that occupy space in the common marine and coastal area where:*
 - (a) *They have a functional need to be located in the common marine and coastal area, unless the structure, use or activity is consistent with Policy 4.8.1(2);*
 - (b) *It is not feasible for the structure, the use or the occupation of space to be undertaken on dry land (land outside the common marine and coastal area), unless it is consistent with Policy 4.8.1(2);*
 - (c) *It is not feasible to use an existing authorised structure; and*
 - (d) *The area occupied is necessary to provide for or undertake the intended use.*

- (2) *(Not relevant)*
- (3) *It the public are excluded from using a structure or common marine and coastal area, the exclusion is:*
 - (a) *Only for the time period(s) and the area necessary to provide for or undertake the intended use; or*
 - (b) *Necessary to ensure the integrity of the structure; or*
 - (c) *Necessary to ensure the health and safety of the public.*

Comment:

183. The need for the structures has previously been demonstrated by historical applications and the reconstructed jetty will be a replacement structure rather than additional one. The functional need of the seawall is one of coastal hazard and erosion protection and the exclusion of the public over parts of the facility will ensure public health and safety requirements are met. A consent condition has been recommended to allow a restricted level of public access to the facility.

184. **RPS Policy 4.8.3 – Coastal Permit Duration**

When determining the expiry date for coastal permits to occupy space in the common marine and coastal area, particular regard will be had to:

- (a) *The security of tenure for investment (the larger the investment, the longer the consent duration);*
- (b) *Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area;*
- (c) *The reasonably foreseeable demands for the occupied water space by another type of activity (the greater the demands, the shorter the consent duration); and*
- (d) *Certainty of effects (the less certain the effects the shorter the consent duration).*

Comment:

185. The consent duration requested of 35 years is consistent with the consent duration granted for coastal structures and facilities of a similar scale and intensity in recent times, and the timeframe is generally consistent with the council's cycle of expiry dates for coastal permits in this area. Recommended conditions of consent will require routine assessment of the structures by a chartered professional engineer to ensure the ongoing structural integrity of the facilities.

186. The consent duration requested for the discharge permits is 18 years, which is also generally consistent with the council's cycle of expiry dates for discharge permits and will align with the next review of the regional plan.

187. **RPS Policy 5.1.2 – Development in the Coastal Marine Area**

Policy 5.1.2 states:

Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:

- (a) *Consolidates urban development⁷ within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*
- (b) *Ensures sufficient development setbacks from the coastal marine area to:*
 - (i) *maintain and enhance public access, open space, and amenity values; and*
 - (ii) *allow for natural functioning of coastal processes and ecosystems;*
- (c) *Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);*
- (d) *Ensures adequate infrastructure services will be provided for the development; and*
- (e) *(Not relevant)*

Note: In determining the appropriateness of subdivision, use and development, all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.

Comment:

188. The proposal continues to consolidate development to an area adjacent to the Applicant's boatyard. It has been established that the proposed reconstructed jetty facility, slipway refurbishment, seawall and dredging will continue to provide for a similar level of public access as is currently available to the adjacent beach area and along the coastal margin. The proposed structures and activities will continue to allow the functioning of natural coastal processes.

189. A precautionary approach to the proposed beach rehabilitation is recommended due to the uncertainty of effects on the beach ecosystem, in particular, on the existing shellfish bed.

190. Appropriate landward infrastructure is in place to support the development.

6.2 Regional Coastal Plan for Northland

191. The Regional Coastal Plan (RCP) became fully operative in 2004 and contains the related objectives and policies which provide for development and implementation of new activities in the CMA while facilitating the management of any adverse environmental effects. A Hearing Committee decision on Plan Change 1 (Moorings and Marinas) Variation 2 to the RCP was adopted by the council on 18 December 2013 and was signed off by the Minister of Conservation on 8 July 2014 and is now operative.

⁷ For the purpose of Policy 5.1.2 'urban development' means subdivision, land use or development intended for mixed-use, commercial, industrial activities and all development where the primary purpose is residential use, except where it is ancillary to a lawfully established rural activity.

192. Part IV: *Protection Policy* and Part V: *Use and Development Policy*, of the Regional Coastal Plan contains the relevant policy framework that relates to the current coastal permit application.
193. The proposed site is classified as being located within a Marine 4 (Moorings including Marinas) Management Area (MM4A). This classification is applied to those parts of the CMA which, as indicated on the RCP Maps, are managed primarily where moorings (including swing moorings and pile moorings) are concentrated and where marinas are located.
194. Key objectives and policies of the RCP relevant to the application, or which are not covered by the RPS or NZCPS are as follows:

SECTION 7 – PRESERVATION OF NATURAL CHARACTER

195. 7.3 Objective

The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.

196. 7.4 Policies

1. *In assessing the actual and potential effects of an activity to recognise that all parts of Northland's coastal marine area have some degree of natural character, which requires protection from inappropriate subdivision, use and development.*
2. *As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities, which collectively make up the natural character of the coastal marine area including:*
 - (a) *natural water and sediment movement patterns;*
 - (b) *landscapes and associated natural features;*
 - (c) *indigenous vegetation and the habitats of indigenous fauna;*
 - (d) *water quality;*
 - (e) *cultural heritage values, including historic places and sites of special significance to Māori;*
 - (f) *air quality;*

and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

Comment:

197. It has been determined that the level of natural character of the site is not high and that the proposed structures are an appropriate use of the CMA in the locale. Effects relating to the existing shellfish population can be managed by way of consent conditions in terms of sediment control from dredging. In terms of the proposed beach rehabilitation, the extent of effects to shellfish and any necessary mitigation is uncertain.

SECTION 12 – CULTURAL HERITAGE VALUES

198. **Objective 12.3.1**

The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area.

199. **Policy 12.4.3**

In assessing the potential effects of a proposed activity, to identify whether an activity will have an adverse effect on a known site, building, place or area of cultural heritage value within the coastal marine area or on adjoining land.

Comment:

200. The existence of a healthy yet small shellfish population has been identified at the site and it is known that at least one member of the public gathers shellfish at this site. There were three submitters who have raised concerns with the application in terms of cultural and spiritual values.

201. Appropriate management processes including mitigation measures will minimise potential adverse effects of the proposed dredging and slipway refurbishment on the shellfish population. However, the level of effect to this shellfish bed which may be regarded as a 'taonga' resulting from the beach rehabilitation is unknown and any proposed mitigation is unclear.

SECTION 15 – NATURAL HAZARD MANAGEMENT

202. **Objective 15.3.1**

The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.

203. **Objective 15.3.2**

The avoidance, remediation, or mitigation of the adverse effects of subdivision, use and development on the exacerbation of natural hazards in the CMA.

204. **Policy 15.3.2**

In consideration of coastal permit applications as far as practicable, to ensure that use and development, including coastal works, structures and reclamations within the CMA:

- (a) are located and designed so as to avoid risk of damage by natural hazards; and,*
- (b) cause minimal interference with natural sediment transport processes.*

Comment:

205. The intention of the proposed seawall is for the coastal hazard protection of the adjoining Ōpua to Paihia walkway and to avoid further debris from slips falling into the adjoining CMA. Further undermining to the walkway from potential coastal hazards such as sea surge and wind generated waves will be prevented by the proposed seawall. The new seawall will be oriented parallel to the shore-line and will not have adverse effects on natural sediment movement within the CMA.

SECTION 17 – STRUCTURES

206. **Objective 17.3**

The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.

207. **Policy 17.4.1**

To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.

208. **Policy 17.4.3**

Within all Marine Management areas, to consider structures generally appropriate where:

- (a) there is an operational need to locate the structure within the coastal marine area; and*
- (b) there is no practical alternative location outside the coastal marine area; and*
- (c) multiple use is being made of structures to the extent practicable; and*
- (d) any landward development necessary to the proposed purpose of the structure can be accommodated; and*
- (e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable.*

A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

209. **Policy 17.4.8**

In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.

Comment:

210. The existing structures have already been through a process of evaluation of effects and Policy 17.4.1 considers it appropriate that provision be made for the continued use of these structures.
211. In terms of Policy 17.4.3, the operational need of the structures has also been established, in that the jetty facility and slipway will continue to provide for the maintenance and chartering of vessels and that the seawall will serve as a coastal protection structure.
212. In accordance with Policy 17.4.8, if consent is granted for the facilities, then it is recommended that conditions should be imposed that require the structures to be maintained in good order and repair to insure that their structural integrity is maintained throughout the duration of the consent and that they are fit for purpose.

SECTION 19 – DISCHARGES TO WATER

213. **Objective 13.3**

The maintenance, and where practicable, enhancement of water quality within Northland's coastal marine area.

Comment:

214. The Applicant's treatment system seeks to reduce the effects of the discharge from the boatyard on the CMA.

215. **Objective 19.3**

The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.

216. **Policy 19.4.1**

In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of:

- (a) discharges from wastewater treatment plants*
- (b) urban and industrial stormwater discharges*
- (c) discharges from boat maintenance facilities*
- (d) discharges from ports*

on the coastal marine area.

217. **Policy 19.4.3**

To establish whether any existing authorised wastewater discharges, after reasonable mixing, give rise to all or any of the following effects:

- (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
- (b) any conspicuous change in the colour or visual clarity;*
- (c) any emission of objectionable odour;*
- (d) any significant adverse effects on aquatic life;*

and, if so, to review its consent conditions, pursuant to Section 128(1)(b) of the Resource Management Act.

218. **Policy 19.4.4**

To ensure that individual and cumulative effects of authorised discharges to the coastal marine area do not compromise the maintenance and enhancement of coastal water quality.

Comment:

219. Discharge effects to the CMA have reduced significantly at the boatyard site in the last few years, as discharge washdown water from activities on the boat yard has been successfully contained and directed to the FNDC's Ōpua Sewer Scheme. The Ecological Assessment undertaken by 4Sight Consulting⁸ concluded that the shellfish in the locale are healthy, albeit that they exist in an environment where contaminate levels were noticeable for copper and zinc.
220. Stormwater to the CMA at the site is treated prior to discharge to reduce impacts of the discharge on the receiving environment. The coastal discharge is considered to be small in comparison to other discharges of stormwater into the Veronica Channel and it is therefore unlikely that the coastal discharge from the boatyard site would play a significant role in overall cumulative adverse effects in this area.
221. Council monitoring staff have indicated that the current discharge practices are generally compliant with consent conditions.

SECTION 20 – DISCHARGES TO AIR

222. **Objective 20.3**

To provide for the discharge of contaminants to air while avoiding adverse environmental effects and, where avoidance is not practicable, remedying or mitigating those effects.

223. **Policy 20.4.1**

When considering any application for a plan change or resource consent for activities located within or near to the coastal marine area that involve discharges of contaminants to air, consent authorities shall recognise that ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal environment.

224. **Policy 20.4.2**

Discharges of contaminants into air from activities located within or near to the coastal marine area should not:

- (a) Result in significant degradation of existing ambient air quality in the coastal marine area;*
- (b) (Not relevant)*
- (c) Have a significant adverse effect on water quality in the coastal marine area, as a result of airborne contaminants being deposited into water or deposited in a manner that results in them entering water;*
- (d) Result in significant adverse cumulative effects on air quality in the coastal marine area, taking into account any existing discharges of contaminants into air in the locality.*

Activities involving discharges of contaminants into air should not be located within or near to the coastal marine area if these adverse effects cannot be avoided, remedied or mitigated.

⁸ Ecological Survey: Doug's Opua Boatyard, for Doug Schmuck, Ecological Report, April 2018. 4Sight Consulting.

225. **Policy 20.4.3**

The best practicable option may be employed to prevent or minimise any adverse effects from the discharge of contaminants into air from activities located within or near to the coastal marine area by having regard to:

- (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and*
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.*

Comment:

226. The current conditions relating to the discharges are recommended to be modified to bring the discharge activity into line with current council standards and requirements. These requirements include the use of moveable screens while carrying out abrasive blasting and spray-painting at the site. It is considered that provided the Consent Holder complies with the proposed conditions of consent, the proposal is consistent with these policies and objectives.

SECTION 22 – DREDGING AND DREDGING SPOIL DISPOSAL

227. **Objective 22.3**

Provision for capital and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as Marinas and Ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.

228. **Policy 22.4.1**

Within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas, to restrict capital dredging except where the dredging activity is associated with a marina or port development, and in making such exceptions, integrate where appropriate, in accordance with sections 102 and 103 of the Act, any required consent process for associated dredging spoil disposal.

229. **Policy 22.4.7**

To promote land-based disposal of dredging spoil from both capital and maintenance dredging of the coastal marine area, where this better meets the purpose of the Act.

Comment:

230. The proposed capital dredging to provide for the working and marina berths and refurbished slipway is considered to be a necessary activity to facilitate the required use of these structures and the proposed consent conditions will ensure adequate mitigation of any subsequent adverse effects. The necessity of the capital dredging for the access channel to the facilities is not entirely understood and effects relating to navigational safety and effects on moorings within the mooring area have not been addressed within the application. However, if the matters identified by the Harbourmaster are able to be

satisfactorily addressed via a mooring and dredging management plan the dredging of a channel to the facility may assist to improve all tide access to the facility.

231. Land based disposal of the spoil from capital and maintenance dredging is proposed at a dedicated disposal area on land adjacent to the Waikare inlet.

SECTION 28 – MARINE 4 (MOORINGS INCLUDING MARINAS) MANAGEMENT AREA

232. Objective 28.3.1

1. *(Not relevant)*
2. *Integrated management of moorings and associated demands for shore-based facilities and services.*
3. *(Not relevant)*
4. *Conflicts between moorings and other activities are avoided as far as practicable.*

Marina Policies

233. Policy 28.4.7

When considering the appropriate location of marinas, the Council shall:

- (a) *Allow for the potential for marina development in Marine 4 (Moorings including Marinas) Management Areas.”*

Comment:

234. Although this policy explicitly provides for marina development in the MM4A area, the level of appropriateness for each marina proposal is required. The proposed marina consists of the use of two berths associated with a single 12 metre long by 4 metre wide pontoon at the seaward end of the replacement jetty. In this context, the visual related effects of the marina activity are not expected to greatly differ from the existing environment. The necessity of the marina is to provide for the temporary or long-term berthage of small vessels for accommodation purposes generally in association with use of the boatyard facilities and services. In considering the nature of the boatyard business, the scale of the proposed marina activity and the zoning of the site, this element of the application is considered to be an appropriate activity at the site.

Environmental Effect Policies

235. Policy 28.4.13

The Council shall, when considering resource consent applications and plan change requests, recognise the potential for conflicts between the provision of moorings and other uses of the CMA and recognise these conflicts should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effect should be mitigated and provision made for remedying those effects, to the extent practicable.

Comment:

236. In terms of Policy 28.4.13, the application has not addressed the potential for conflict from the activities associated with the proposed capital dredging of the access channel with the moorings in the vicinity of the dredging area. The Harbourmaster has indicated that he is not supportive of this element of the proposal based on the information supplied in the application or directly to the Harbourmaster's office to date.

6.3 Regional Water and Soil Plan for Northland

237. The Regional Water and Soil Plan for Northland (RWSP) became fully operative in 2004. The following objectives and policies are relevant to the proposal:

238. **Objective 8.6.1**

The effective treatment and/or disposal of contaminants from new and existing discharges in way which avoid, remedy or minimise adverse effects on the environment and on cultural values.

239. **Objective 8.6.2**

The reduction and minimisation of quantities of contaminants entering water bodies, particularly those that are potentially toxic, persistent or bio-accumulative.

240. **Policy 8.7.3**

To ensure there are adequate separation distances between water bodies and discharges to land to avoid or mitigate adverse effects on water quality.

241. **Policy 8.15.2**

To promote industrial waste minimisation programmes and the use of environmental management systems which effectively avoid, minimise or reduce adverse environmental effects of industrial contaminants generated by industry.

Comment:

242. Groundwater protection within the site is not an issue because the unconfined aquifer system is not considered to be a usable water source. The recommended discharge conditions have been modified to bring the controls over various discharge activities into line with current council standards and requirements to ensure the intent of these objectives and policies is met.

6.4 Regional Air Quality Plan Northland

243. The Regional Air Quality Plan for Northland (RAQP) was made fully operative in August 2005. The following objectives and policies are considered relevant to the proposal:

244. **Objective 6.6.1**

The sustainable management of Northland's air resource including its physical, amenity and aesthetic qualities by avoiding, remedying or mitigating adverse effect on the environment from the discharge of contaminants to air.

245. **Objective 6.6.2**

The maintenance and, where necessary, enhancement of the quality of the environment so that it is free from noxious, dangerous, offensive or objectionable adverse effects associated with discharges to air, such as odour, dust, smoke and poor visibility.

246. **Policy 6.7.1**

To maintain the existing high standard of ambient air quality in the Northland region, and to enhance air quality in those instances where it is adversely affected, by avoiding, remedying or mitigating adverse effects of activities discharging contaminants to air.

247. **Policy 6.7.2**

To avoid, remedy or mitigate the adverse effects generated by discharges of contaminants to air including cumulative or synergistic/interactive effects.

248. **Policy 6.7.3**

To manage the discharge of hazardous, noxious and dangerous contaminants to air in a manner that ensures any adverse environmental effects, including on human health, are avoided, remedied or mitigated.

249. **Policy 6.7.4**

To promote a consistent regional approach to avoid the adverse health and environmental effects from abrasive blasting operations.

250. **Policy 6.7.5**

To promote the integrated management of natural and physical resources in order to avoid, remedy or mitigate the adverse effects of discharges of contaminants to air.

251. **Policy 6.9.1 – Specific for Dust**

To avoid or mitigate any noxious, dangerous, offensive or objectionable effects of discharges of dust into the air.

252. **Policy 6.15.1 – Policies for Odour**

To ensure that discharge of contaminants to air should not result in offensive or objectionable odours that could adversely affect people and communities.

Comment:

253. As discussed earlier, the recommended discharge conditions have been updated (from the previous conditions) to bring the discharge activities into line with current council standards and requirements. These requirements include the use of screens while carrying out abrasive blasting and spray-painting at the site. It is considered that provided the Consent Holder complies with the proposed conditions of consent, the proposal is consistent with these policies and objectives of the RAQP.

6.5 Proposed Regional Plan for Northland

254. The Proposed Regional Plan for Northland (PRP) was notified on 6 September 2017 with submissions on all parts of the plan being received. At the time of the preparation of this report, the hearings of the substantive matters relating to the PRP had not occurred, therefore relevant policies in the PRP are considered but are given little weight.
255. The policies of the PRP relevant to this application are listed below with comments for completeness.

D.1 TANGATA WHENUA

256. **Policy D.1.4 – Managing Effects on Places of Significance to Tangata Whenua**

Resource consent for an activity may only be granted if the adverse effects from the activity on the values of Places of Significance to tangata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

Comment:

257. As discussed, the extent of effects to the shellfish bed at the site resulting from the proposed beach rehabilitation has not been identified in this application and insufficient information has been supplied to establish the proposed processes for carrying out such works.

D.2 GENERAL

258. **Policy D.2.2 – Social, Cultural and Economic Benefits of Activities**

When considering resource consents, regard must be had to the social, cultural and economic benefits of the proposed activity.

Comment:

259. The social and economic benefits of the proposed activity include the enhancement to the level of service currently provided at the boatyard. The proposed upgrades and associated activities will bring the boatyard into more modern times with improvements to health, safety and security at the site. Furthermore, the proposal will maintain the highly regarded industrial service to the local and international boating community which is provided by the Applicant.

260. **Policy D.3.4 - Resource Consent Duration**

When determining the expiry date for resource consent, particular regard must be had to:

- (1) *the security of tenure for investment (the larger the investment, the longer the consent duration), and*
- (2) *aligning the expiry date with other resource consents in the surrounding area or catchment, and*

- (3) *the reasonably foreseeable demands for the resource (the greater the foreseeable demands, the shorter the consent duration), and*
- (4) *certainty of effects (the less certain the effects, the shorter the consent duration).*

Comment:

261. The boatyard has existed for a considerable number of years and it is acknowledged that the Applicant has invested significant finances into the various structures and associated resource management processes over the years he has operated the site. The potential adverse effects associated with the proposal have been considered and a consent term which aligns the proposal with other resource consents for similar activities in the coastal environment has been considered.

D.3 AIR

262. **Policy D.3.1 – General Approach to Managing Air Quality**

When considering resource consent applications for discharges to air:

- (1) *apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and*
- (2) *(Not relevant)*
- (3) *(Not relevant)*
- (4) *take into account the New Zealand Ambient Air Quality Guidelines 2002 when assessing the effects of discharge, and*
- (5) *take into account the cumulative effects of air discharge and any constraints that may occur from the granting of the consent on the operation of existing activities, and*
- (6) *recognise that discharges to air may have adverse effects on natural character, and*
- (7) *take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and*
- (8) *consider the following factors when determining consent duration:*
 - (a) *scale of discharge including effects, and*
 - (b) *regional and local benefit, and*
 - (c) *location including proximity to sensitive areas, and*
 - (d) *alternatives available, and*
- (9) *use national guidance produced by the Ministry for the Environment, including:*
 - (a) *Good Practice Guidance on Odour, 2016, and*

- (b) *Good Practice Guidance on Dust, 2016, and*
- (c) *Good Practice Guidance on Industrial Emissions, 2016.*

Comment:

263. The above mentioned guidance documents have been considered in the assessment of the discharge to air proposal associated with the application. The proposed air discharge is considered to be small in scale and not to give rise in adverse cumulative effects and any potential adverse effects generated by this aspect of the application have been assessed to be no more than minor provided additional controls are put in place.

Comment:

264. Policies D.3.3 and D.3.4 of the PRP further relate to the discharge of air and seek management plans in terms of dust, odour and over spraying effects. The proposal is considered to be consistent with the requirement of these policies as a management plan for the facility is currently in place, although an upgraded management plan will be required as a condition of consent.

D.4 LAND AND WATER

265. Policy D.4.3 – Coastal Water Quality Standards

A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following coastal water quality standards to be exceeded:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hátea river	Tidal creeks	Estuaries	Open coast
Dissolved oxygen	mg/L	Median	> 6.2	> 6.3	> 6.9	No change from natural state
	mg/L	Minimum	4.6	4.6	4.6	4.6
Temperature	°C	Maximum change	3°	3°	3°	3°
pH			7.0 - 8.5	7.0 - 8.5	7.0 - 8.5	8.0 - 8.4
Turbidity	NTU	Median	<7.5	<10.8	<6.9	No change from natural state
Secchi depth	m	Median	>0.8	>0.7	>1.0	No change from natural state
Chlorophyll-a	mg/L	Median	0.003	<0.004	<0.004	No change from natural state
Total phosphorus	mg/L	Median	<0.119	<0.040	<0.030	No change from natural state
Total nitrogen	mg/L	Median	<0.860	<0.600	<0.220	No change from natural state
Nitrite-nitrite-nitrogen	mg/L	Median	<0.580	<0.218	<0.048	No change from natural state
Ammoniacal-nitrogen	mg/L	Median	<0.099	<0.043	<0.023	No change from natural state

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hátea river	Tidal creeks	Estuaries	Open coast
Copper	mg/L	Maximum		0.0013		0.0003
Lead	mg/L	Maximum		0.0044		0.0022
Zinc	mg/L	Maximum		0.0150		0.0070
Faecal coliforms	MPN/100mL	Median	Not applicable		≤14	≤14
		90th percentile	Not applicable		≤43	≤43
Enterococci	Enterococci/100mL	95th percentile	≤500	≤200	≤200	≤40

266. **Policy D.4.4 – Coastal Sediment Quality Standards**

A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following benthic sediment quality standards to be exceeded in the coastal marine area:

Attribute	Unit	Compliance metric	Coastal water quality management unit			
			Hátea River	Tidal Creeks	Estuaries	Open Coast
Copper	mg/kg	Maximum	65		18.7	
Lead	mg/kg	Maximum	50		30.2	
Zinc	mg/kg	Maximum	200		124	
Chromium	mg/kg	Maximum	80		52.3	
Nickel	mg/kg	Maximum	21		15.9	
Cadmium	mg/kg	Maximum	1.5		0.68	

Comment:

267. The council's coastal monitoring team have indicated that the current discharges are largely compliant with council contaminant and sediment requirements, which is required per consent conditions.

D.5 – COASTAL

268. **D.5.13 – Marinas – Managing the Effects of Marinas**

- (1) *provide convenient facilities on-site for the containment, collection and appropriate disposal of:*
- (a) *refuse from vessels; and*
 - (b) *sewage and sullage from vessels and*
 - (c) *recyclable material including waste oils, and*
 - (d) *spills from refuelling operations and refuelling equipment, and*

- (e) *the discharge of stormwater generated from the marina complex, and*
- (2) *provide for shore-based facilities, including parking, public toilets, boat racks and*
- (3) *mitigate for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps and alternative access for other users, and*
- (4) *take into account the benefits of landscaping and urban design treatment, and*
- (5) *take into account any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.*

269. **Policy D.5.14 – Marinas – Recognising the Benefits of Marina Development**

Recognise the benefits of marina development including:

- (1) *efficient use of water space for boat storage, and*
- (2) *responding to demand for boat storage and associated services, and*
- (3) *opportunities to enhance public facilities and access to the coastal marine area, and*
- (4) *socio-economic opportunities through construction and ongoing operation.*

270. **Policy D.5.1.7 – Marinas and Moorings in High Demand Areas**

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

- (4) *Ōpua.*

Comment:

271. The proposed marina is small in scale and it has been determined that it is an appropriate activity at the site. Conditions are recommended to ensure the activity is in accordance with the requirements of Policy D.5.13.

272. **Policy D.5.18 – Dredging, Disturbance and Deposition Activities**

Dredging, disturbance and deposition activities should not:

- (1) *cause long-term erosion within the coastal marine area or on adjacent land, and*
- (2) *cause damage to any authorised structure.*

273. **Policy D.5.19 – Disposal of Dredge Material**

Discourage the disposal of dredge spoil and other waste in the coastal marine area, unless:

- (1) it is for beach replenishment or ecological restoration, or*
- (2) it is for restoration or enhancement of natural coastal defences that provide protection against coastal hazards, or*
- (3) it is associated with a reclamation.*

The disposal of dredge spoil or other waste that is inconsistent with clauses 1-3 above may be appropriate, if it is demonstrated that the location is the best practicable option, given the type of material to be disposed of.

Comment:

274. The proposed dredging is required to enhance the use of existing structures and land based disposal of the spoil from capital and maintenance dredging is proposed at a dedicated disposal area on land adjacent to the Waikare inlet.

275. **Policy D.6.2 – Design and Location of Hard Protection Structures**

New hard protection structures must:

- (1) be located as far landward as possible in order to retain as much of the existing natural defences as possible, and*
- (2) be designed and constructed by a suitably qualified and experienced professional, and*
- (3) incorporate the use of soft protection measures where practical, and*
- (4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise of one metre by 2115 (100 years).*

Comment:

276. The proposed seawall will be located directly adjacent to the area of erosion to the Ōpua to Paihia walking track, at the MHWS mark within the CMA. The design is considered to be sympathetic to the surrounding environment, with natural materials proposed. It is unknown who will carry out the construction of the seawall. However, it will be required to meet consent conditions the structural integrity of the structure will be monitored.

6.6 Conclusion of Objectives and Policies Assessment

277. The foregoing assessment has determined that the proposal to be largely consistent with applicable objectives and policies of the relevant planning documents. In particular, those activities within the proposal relating to natural character, open space, economic wellbeing, use and allocation of public resources, need to occupy coastal space, natural hazard management, structures in the CMA, marina development and discharges, were found to be

consistent with the relevant objectives and policies of the NZCPS, RPS, RCP, RWSP, RAQP and PRP.

278. In addition to the above findings, the beach rehabilitation element of the proposal was found to be inconsistent with applicable objectives and policies of the NZCPS, RPS, RCP and PRP relating to ecological areas and habitat, cultural values and development in the CMA.
279. The proposed dredging of an access channel has not been demonstrated to be consistent with objectives and policies relating to management of activities within MM4A, in particular, avoiding conflicts between moorings and other activities.
280. In light of the above, it is concluded that the proposed beach rehabilitation and proposed capital dredging (as far as it relates to the access channel) are not consistent with the overarching intent of the aforementioned relevant objectives and policies of the NZCPS, RPS, RCP and PRP.

7. ASSESSMENT OF PART II MATTERS

281. The Environment Court and High Court have given consideration to the statutory wording of section 104(1), “*subject to Part 2*” and found that the phrase does not give a specific direction to apply Part 2 in all cases, but only when there is invalidity, incomplete coverage or uncertainty of meaning in the (relevant) statutory planning documents. There is seen to be no such issues with the planning documents in this case, therefore no Part 2 analysis is considered necessary or beneficial over and above the following assessment of the relevant planning objectives and policies. An appeal of this High Court decision was set down to be heard by the Appeal Court on 24 November 2017. The result of this appeal was not known at the time of preparing this report.

282. Regardless of the above matter, a full assessment against Part 2 of the RMA has been provided below.

283. **Section 5 of the RMA**

Part 2 of the Act states that the purpose of the Act is to promote the sustainable management of natural and physical resources. As set out in section 5(2), sustainable management means:

. . . managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Comment:

284. It is considered that the proposal enables people and communities to provide for their social and economic well-being and for their health and safety. In particular, it is assessed that the proposal will provide an improved level of service to both the local community and visiting vessel operators while enhancing safety levels and providing ongoing employment. The large number of supporting submissions recognises the high level of service that the Applicant offers to the local and international boating community and the uniqueness of his craft. It is also acknowledged that the proposal involves a site that is already developed and modified with existing maritime activities in comparison to an area of the CMA with a high level of natural character and landscape value.
285. The proposal is considered to generally avoid, remedy or mitigate any adverse effects on the environment provided the recommended consent conditions are imposed and adhered to. However, in terms of the proposed beach rehabilitation, the extent of adverse effects to ecosystems is unknown due to a lack of clarity and detail within the various application documentation. Likewise, effects to navigational safety have not been adequately addressed within the application.
286. In light of the above, those matters pertained in Section 5(b) and (c) have not been entirely met by this application as far as they relate to the proposed beach rehabilitation.
287. **Section 6 of the RMA**
- Section 6 of the Act identifies the following matters which must be recognised and provided for as a matter of national importance when managing the use and development of natural and physical resources:
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
 - (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
 - (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waāhi tapu, and other taonga:*
 - (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
 - (g) *the protection of recognised customary activities.*

Comment:

288. The proposed site is located in a coastal environment where the natural character of the coast and surrounding landscape has been highly modified by previous maritime commercial and industrial activity such as the presence of coastal structures including the Ōpua Wharf, Ōpua Marina and a large mooring field. Adjacent land use includes the Walls Bay Esplanade Reserve, commercially zoned land owned by the Applicant, along with various commercial business premises and residential development on the surrounding hillsides. In addition, it must be acknowledged that the site has already been developed and authorised for boat maintenance and chartering purposes. The foregoing factors contribute to the low natural character values of the area and the further development as proposed would be appropriate and have no more than minor adverse effects on natural character.
289. There are no outstanding natural features or outstanding natural landscapes, as identified in the RPS natural character maps that are affected by the proposal. Likewise, there are no areas of significant indigenous vegetation or significant habitats of indigenous fauna as referred to within the relevant planning documents identified in the vicinity of the site. Therefore section 6(c) is not a relevant consideration.
290. Effects to public access have been assessed as being no more than minor overall, subject to recommended conditions. Therefore the proposal is considered to be consistent with the requirement of section 6(d) of the RMA.
291. The matters of national importance outlined by section 6(e) relating to Māori cultural traditions, wāhi tapu and other taonga and section 6(g) relating to the protection of recognised customary activities are relevant to this application. Personal submissions and a submission from local iwi/hapū have raised concern with adverse effects to cultural values. A search of the council's database has not recognised any registered archaeological sites in the vicinity of the application site. However, if consent is granted, the council's standard condition relating to archaeology is recommended as a precautionary measure. The Applicant has, however, acknowledged the presence of a small shellfish bed on the beach adjoining the slipway. The level of disturbance required during the proposed beach rehabilitation and mitigation controls for the protection of the shellfish bed are unclear within the application. In terms of the proposed dredging, it is understood that this will be carried out by a recognised marine service provider and a condition of consent is recommended to ensure sediment controls will be put in place to ensure protection of the shellfish bed, including silt screening.
292. In conclusion, those matters of section 6(e) and 6(g) have not been fully recognised or provided for within the application as far as they relate to the proposed beach rehabilitation.

Section 7 of the RMA

293. Section 7 of the Act requires that particular regard be had to the matters below:
- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*

- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Comment:

- 294. The matters of relevance to the current proposal are (a), (aa), (b), (c), (d) and (f) above.
- 295. As discussed earlier in the report, a copy of the application was circulated by the council to iwi/hapū groups with recognised kaitiaki and mana whenua status in the area. These iwi/hapū groups included Ngāpuhi, Te Rūnanga o Ngāti Hine, Waikare Marae and Kāretu Marae. No comments were received as a result of this process. However, a submission was received from the Waikare Marae Māori Committee, opposing the proposal on “spiritual and cultural grounds” (among others).
- 296. The matters of kaitiakitanga and the ethic of stewardship have been had regard to in the application for the proposal and also in the processing of the application. In recognising his responsibilities in respect of kaitiakitanga and in demonstrating the ethic of stewardship, it is acknowledged that the Applicant has made significant improvements to the operation of the boatyard over the years including the redirection of stormwater discharge from vessel washdown to the CMA to the council operated sewer system. The proposed on-going monitoring of the facilities and their associated activities by the Applicant and the setting of compliance limits for discharges and undertaking of monitoring of these by the council also support the ethic of stewardship.
- 297. The occupation of space by the proposed structures and activities is a use of a natural/physical resource, and efficient use of this public open space is a matter of importance. The occupation of public space by the structures prevents the potential use of that space for other activities, therefore the space occupied should be the minimum required to achieve the intended purpose of the activity (e.g. for the secure storage and inspection of vessels, associated boat maintenance and chartering activities). The reconstructed jetty facility will occupy a similar level of coastal space to the existing jetty facility which is to be removed and the refurbished slipway will result in a smaller footprint within the CMA.
- 298. While it is acknowledged that the proposed beach rehabilitation will enhance amenity values at the locale (7(c)), the potential effects generated by this aspect of the application are not clear and it is therefore concluded that the application fails to meet the requirements of Section 7(b)(d) and (f) of the RMA in this area.

Section 8 of the RMA

299. Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account when making decisions in relation to the use, development and protection of natural and physical resources.
300. While it is unclear what level of consultation was carried out by the Applicant, copies of the application were circulated to local iwi/hapū organisations in accordance with established council protocols for comment prior to the determination to notify the application. There has been opportunity for local iwi/hapū to be involved in response to the notification of this application and, in that regard, there have been submissions received on it.
301. It is considered that the processing of this application has been consistent with Section 8 of the Act.

8. OTHER MATTERS

Financial Contributions

302. Section 108(2)(a) of the Act provides for a condition requiring a financial contribution to be placed on the resource consent. This provision is subject to Section 108(10) which states that:

“A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

- (a) The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and*
- (b) The level of contribution is determined in the manner described in the plan or proposed plan.*

303. Section 34.2.2 of the RCP clearly outlines the Assessment Criteria for requirement of financial contributions. The following comments address those criteria.
304. There are not likely to be any adverse effects deriving from the authorisation of the proposed structures that can and should be mitigated by way of works carried out on or near the site. There is not likely to be any adverse effect due to the ongoing occupation of the CMA by a coastal structure that would require a financial contribution to offset or provide compensation to the community or environment. Any adverse effects generated by the structures in the CMA will largely be confined to a relatively small area and are expected to be minor or no more than minor. Any adverse effects due to the ongoing occupation of the coastal environment by the existing facilities will be no more than minor with appropriate controls.
305. A financial contribution is therefore not considered to be appropriate in this case.

Bonds

306. Section 108(2)(b) provides for a condition requiring provision of a bond. This provision is subject to section 108A which states:
- (1) *A bond required under section 108(2)(b) may be given for the performance of any one or more conditions the consent authority considers appropriate and may continue after the expiry of the resource consent to secure the ongoing performance of conditions relating to long-term effects, including—*
- (a) *a condition relating to the alteration or removal of structures.*
- (b) *a condition relating to remedial, restoration, or maintenance work.*
- (c) *a condition providing for ongoing monitoring of long-term effects.*
307. As conditions of consent can be used to avoid or mitigate actual or potential adverse effects from structures, it is considered that remedial or restoration work will not be required. There are not expected to be long-term effects that require additional monitoring other than that typically associated with the Northland Regional Council's monitoring of authorised coastal structures.
308. For these reasons, it is considered that a bond is not required

9. CONCLUSION

309. Section 104B of the RMA requires that after considering an application for a resource consent for a discretionary activity a consent authority –
- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*
310. The central issues are whether or not the proposal will generate adverse environmental effects, and the extent to which such effects can be avoided remedied or mitigated. These matters have not been, in my opinion, entirely investigated or addressed within the applications. Specifically, the effects of the proposed beach rehabilitation on cultural values and ecology including kaimoana, and the proposed capital dredging of an access channel and its effect on existing moorings, were not able to be adequately assessed and were identified as potentially having minor to more than minor adverse environmental effects, dependant on the controls imposed.
311. Aside from the two activities referred to in the foregoing paragraph, the environmental effects of the remaining proposed activities were considered to have minor or no more than minor adverse effects when subject to appropriate controls.

312. The assessment of the applications against the relevant planning documents, found the proposal to be largely consistent with those objectives and policies that relate to natural character, open space, economic wellbeing, use and allocation of public resources, need to occupy coastal space, natural hazard management, structures in the CMA, marina development and discharges.
313. However, the proposed beach rehabilitation activity was found to be inconsistent with objectives and policies relating to ecological areas and habitat, cultural values and development in the CMA, and the proposed capital dredging of the access channel was found to be inconsistent with objectives and policies relating to management of activities within MM4A.
314. In regard to Part 2 of the RMA, the proposal was found to be largely consistent with the purpose and principles of this document, with areas of inconsistency specifically relating to the proposed beach rehabilitation and capital dredging of an access channel.
315. Having considered the applications against the relevant provisions of the RMA, it is recommended that:
- Applications for replacement resource consents be granted for the existing authorised slipway, dinghy ramp, workboat mooring and dinghy pull and timber and stone seawalls.
 - Applications for renewal resource consents be granted for discharge to air within the CMA, discharge to air on land, discharge to land, discharge of washdown water to the CMA and discharge of stormwater to the CMA.
 - Applications for resource consents be granted for the demolition of the existing jetty, proposed replacement jetty facility (inclusive of a fixed jetty, gangway, three working berths, two marina berths and two mudcrete grids), slipway refurbishment, new seawall, extended stormwater drains, extension to exclusive occupation area and dredging as far it relates to providing for the jetty berths and mudcrete grids, subject to the recommended conditions in Section 11.
 - Applications for resource consents be declined for the beach rehabilitation and capital dredging of an access channel. However, in the event of the Commissioners granting consent for one or both of these activities, recommended conditions are included in Section 11.
316. **Note:** It is understood that the Applicant is currently working with the Harbourmaster to address the potential adverse effects on existing moorings from the proposed capital dredging of an access channel. It is therefore recognised that the Applicant may present further information at the hearing in the form of a mooring management plan, which if approved by the Harbourmaster, will address the navigational issues raised in this conclusion which will enable the recommendation to be altered.

Term of Consent

317. It is the council's practice to endeavour to have consistency of expiry dates in an area or catchment, while also recognising individual circumstances such as the capital investment involved in the activity, likely environmental effects, whether during the first term of a consent the effects were as predicted; and if a structure is involved, the life of the structure. Consistency of expiry dates in an area or catchment enables a comprehensive review of all consents to be undertaken at the agreed time in the future. The recommended term of 35 years for the structures and associated activities and 18 years for discharge permits is consistent with the above approach, and is in keeping with the relevant regional plan.

10. RECOMMENDATION

APP.039650.01.01 **Notified New
Notified Replacement**

DOUG SCHMUCK, C/- DOUG'S OPUA BOAT YARD, 1 RICHARDSON STREET, OPUA 0200

To carry out the following activities associated with Doug's Opuā Boat Yard at Walls Bay, Ōpuā, Bay of Islands at and about location co-ordinates 1701505E 6091855N.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Coastal Permits:

- | | |
|-------------------------|--|
| AUT.039650.01.01 | Place, use and occupy space in the coastal marine area with a jetty and marina facility (including fixed jetty, gangway pontoon and piles, associated services, security gate lighting, signage and hoardings) and two mudcrete grids. |
| AUT.039650.02.01 | Place use and occupy space in the coastal marine area with a refurbished slipway (including turning block and associated cabling). |
| AUT.039650.03.01 | Occupy space in the coastal marine area to the exclusion of others. |
| AUT.039650.04.01 | Use a slipway and a jetty facility (inclusive of three work berth areas) for the purposes of vessel maintenance and chartering, and use two berths associated with the jetty facility pontoon as a marina. |
| AUT.039650.05.01 | Place use and occupy space in the coastal marine area with a new seawall and existing seawalls (inclusive of existing reclamation associated with an existing seawall). |
| AUT.039650.06.01 | Use and occupy space in the coastal marine area with a dinghy ramp. |
| AUT.039650.07.01 | Use and occupy space in the coastal marine area with stormwater culverts. |
| AUT.039650.08.01 | Use and occupy space with a workboat mooring and associated dinghy pull. |
| AUT.039650.09.01 | Disturb the land the in coastal marine area during demolition and removal of unwanted structures, jetty and marina facility construction, slipway refurbishment and seawall construction. |
| AUT.039650.10.01 | Capital dredging adjacent to a slipway, and jetty and marina facility, to form five all-tide berths, two mudcrete grids and approaches (excluding access channel). |
| AUT.039650.11.01 | Maintenance dredging of vessel berths and slipway approaches. |
| AUT.039650.12.01 | Discharge of washdown water to the coastal marine area on the mudcrete grids. |

AUT.039650.13.01	Discharge contaminants to air in the coastal marine area from vessel maintenance activities.
AUT.039650.14.01	Discharge contaminants to air from vessel maintenance activities.
AUT.039650.15.01	Discharge contaminants to land from vessel maintenance activities.
AUT.039650.16.01	Divert and discharge treated stormwater to the coastal marine area.

Subject to the following conditions:

General Conditions

- 1 These consents apply only to the structures, facilities, dredging area, occupation area identified on the **attached** Total Marine Services Limited drawings referenced as Northland Regional Council Plan Numbers **4804/1**, **4804/2**, **4804/3** and the boat yard area identified on the **attached** Northland Regional Council Plan Number **4804/4**.
- 2 The council's assigned monitoring officer shall be notified in writing of the date that the demolition, construction and/or maintenance works, and capital dredging and each maintenance dredging operation is intended to commence, at least two weeks prior to the works or dredging operations commencing on each occasion. The Consent Holder shall arrange for a site meeting between the Consent Holder's contractor and the council's assigned monitoring officer. No works shall commence until the council's assigned monitoring officer has completed the site meeting.

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

- 3 As part of the written notification required by Condition 2, the Consent Holder shall also provide to the council's assigned monitoring officer written certification from a suitably qualified and experienced person that all plant and equipment entering the coastal marine area associated with the exercise of these consents are 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 The coastal marine area shall be kept free of debris resulting from the activities authorised by these consents.
- 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 Management Plan to the council's Compliance manager, for certification, 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 jetty and marina facility, including the mudcrete grids, working berths and marina berths;
 - (b) The operation and maintenance of the slipway;

- (c) The beach rehabilitation works including appropriate erosion and sediment controls including the protection of the existing shellfish bed;
 - (d) The capital and maintenance dredging, including appropriate sediment controls including the protection of the existing shellfish bed;
 - (e) Measures to avoid the discharge of contaminants to the Coastal Marine Area; and
 - (f) The operation and maintenance of the wash water treatment system;
 - (g) The operation and maintenance of the stormwater treatment system;
 - (h) Measures to minimise the discharge of contaminants to ground;
 - (i) Measures to minimise the emissions and any adverse effects on the environment from the discharges to air; and
 - (j) Contingency measures for unforeseen or emergency situations.
- 8 The operation and maintenance of the boatyard operations, shall be carried out in accordance with the approved Management Plan.
- 9 The Consent Holder shall review the Management Plan in consultation with the council at no greater than three yearly intervals. The reviewed 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 consent 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, 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
 - (a) Immediately notify the council by telephone of an escape of contaminant; and
 - (b) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (c) Report to the council's Compliance 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.

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 on 31 July 2023, unless before this date the consents have been given effect to.
- 14 Prior to the expiry or cancellation of these consents, the structures and other materials and refuse associated with these consents shall be removed from the consent area, and the consent area shall be restored to the satisfaction of the council, 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.007914.03.01, AUT.007914.05.01, AUT.007914.06.01, AUT.007914.07.01, AUT.007914.08.01, AUT.007914.09.01, AUT.007914.16.01, AUT.007914.17.01, AUT.007914.18.01 and AUT.005359.01.01 within one month of the completion of the jetty and marina facility construction and slipway refurbishment works.

AUT.039650.01.01, AUT.039650.02.01, AUT.039650.05.01, AUT.039650.06.01, AUT.039650.07.01, AUT.039650.08.01 – Jetty and Marina facility, Slipway, Seawalls, Dinghy Ramp, Stormwater Culverts, Workboat Mooring and Dinghy Pull

- 17 This consent applies only to the structures and facilities identified on the **attached** Total Marine Services Limited drawings referenced as Northland Regional Council Plan Numbers **4801/2**.
- 18 The structures shall be constructed and maintained in general accordance with **attached** Total Marine Services Limited drawings referenced as Northland Regional Council Plan Numbers **4801/2** and **4801/3**.

- 19 As part of the notification required by Condition 2, 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 slipway refurbishment.
 - (c) The commencement and completion dates for the implementation of the sediment controls.
 - (d) Measures to ensure protection of the shellfish bed.
 - (e) Monitoring procedures to ensure adverse effects on water quality beyond works area in the CMA 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 approved DCMP.

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 marina pontoon, and the northern and southern extent of the seawalls shall be marked with the number **39650** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the sea.
- 21 All rock or other materials used in the construction of the seawalls shall be free from material that could contaminate the adjacent foreshore. The rock material shall be of sufficient size and density and placed so as to preclude its movement out of the seawall under the most extreme action the sea is likely to impart on it. The ends of the seawall shall be faired into the adjacent coastline in a manner such that end-effects arising from erosion do not occur. A geotextile cloth, effective in preventing escape of seawall core fill material to the coastal marine area through the seawall, shall form part of the construction.
- 22 Sand, shell or gravel from the foreshore adjacent to the consent area shall not be used in the construction of, or any repair to or maintenance of any new seawall.
- 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 The exercise of this consent shall not result in any conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour in the coastal water area, 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 jetty 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

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

Far North District Council
Private Bag 752
Kaikohe 0440

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 jetty 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 2029 and the marina structures shall be re-inspected at five yearly intervals prior to the month of July in 2034, 2039, 2044 and 2049 with a final inspection undertaken prior to 31 February 2052, 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 within the timeframe(s) prescribed in the inspections report. The Consent Holder shall notify the council's assigned monitoring officer as soon as the maintenance works have been completed on each occasion.
- 30 In the event of failure or loss of structural integrity of any part of the jetty and marina structures or facilities 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 structure facility elements 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.039650.03.01 – Occupy Space in the CMA to Exclusion of Others

- 31 The area of exclusive occupation, over which the Consent Holder may exercise control of access and use, are limited to the Occupation Area identified on the Total Marine Services Limited drawing referenced as Northland Regional Council Plan Numbers **4801/2**, except that the Consent Holder shall not limit access to and reasonable use of:
- (a) The dinghy ramp and access on to the intertidal beach on the southern side of the slipway; and,
 - (b) The jetty facility and marina by the pedestrian public during daylight hours by arrangement with the jetty facility and marina management. Signage shall be erected on the jetty facility gateway to advise the public of the availability of the public access.

AUT.039650.04.01 – Use of the Slipway, Jetty and Marina Facility and Mudcrete Grids

- 32 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.
- 33 The exercise of this consent and any activity associated with the operation and use of the slipway, jetty and marina facility and mudcrete grids shall not result in any of the following effects on coastal water quality, as measured at any point 10 metres from the facilities:

	Standard
Natural visual clarity	Not reduced more than 20%.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Aquatic Life	No destruction of natural aquatic life by reason of a concentration of toxic substances.
Total Copper	Maximum concentration of 0.0013 mg/L.
Total Lead	Maximum concentration of 0.0044 mg/L.
Total Zinc	Maximum concentration of 0.0150 mg/L.

- 34 The faecal coliform count, as sampled at any point within or adjacent to the jetty marina facility, shall be less than 150/100 ml. If this test is failed, then the median result of samples taken at each sampling site as a result of four subsequent sampling events within a 30 day period shall be less than 150/100 ml and the 80%ile less than 600/100 ml.

Source: *ANZEEC 2000 Guidelines: 95% specie level of protection for slightly-moderately disturbed systems.*

- 35 Concentrations of metals in seabed sediments adjacent to the facilities shall not exceed the following:

Metal	Limit in Milligrams per Kilogram (dry weight)
Copper	65
Lead	50
Zinc	200

- 36 The Consent Holder shall not allow any vessel to use any marina berth for overnight accommodation, 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) It 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 vessels sewage holding tank(s) have been sealed by the Consent Holder to prevent use whilst the vessel is used for accommodation at the berth.
- 37 The Consent Holder shall prohibit berth holders, as a condition of berthage, from discharging wastes (e.g. sewage, greywater, oil, contaminated bilge water) into coastal waters within or adjacent to the jetty and marina facility.
- 38 The three working berths associated with the jetty and marina facility shall not be used as a marina.
- 39 Activities on the mudcrete grids shall be limited to:
- (a) Inspection of vessel hulls;
 - (b) Removal of micro-fouling marine growth, being slimes and/or films, from vessel hulls by, wet wiping with 'soft tools' such as cloths, squeegees or wiper systems, sponges, soft brushes or other non-abrasive methods; and
 - (c) The cleaning of vessel hulls using low pressure high volume water; and
 - (d) Removal of marine growth (macro-fouling) from propellers, drive shafts etc and sea chests using hand tools. All material removed shall be contained and disposed of outside of the coastal marine area; and
 - (e) Minor repairs to vessels involving no discharge of contaminants into coastal waters or onto the seabed.
- 40 The following activities are prohibited on the grid:
- (a) The discharge of bilge material from boats and associated 'flushing' of bilges;
 - (b) The cleaning of hulls using high-pressure water abrasive blasters or hard brushes, scraping and sanding using power tools;
 - (c) The removal of marine growth (macro-fouling) from hulls using hand tools or power tools;
 - (d) The spot painting and re-antifouling of boat hulls; and

- (e) The cleaning of hulls of vessels that have arrived from overseas and that have not been cleaned elsewhere in New Zealand since their arrival.
- 41 All solids and sludge, removed from vessels using the mudcrete grids or from the cleaning of the grids shall be disposed of at an off-site facility that is authorised to accept such wastes.
- Advice Note:** *As far as is practicable, the contaminated liquids generated during wet wiping/cleaning activities shall be collected, and disposed of into the Ōpua municipal sewage system.*
- 42 Signs shall be erected and maintained on the jetty facility adjacent to the mudcrete grids advising of the restrictions on activities at the grids.
- 43 The Consent Holder shall maintain accurate records of the vessels using the grids including details of:
- (a) Vessel name and owners name including contact details;
 - (b) Date of grid use and duration of use of grid;
 - (c) Length and beam of the vessel;
 - (d) Details of activity being undertaken on the grid and any method used to contain potential discharge;
 - (e) Age and type of the antifouling coating used on the vessel.

The Consent Holder shall make the grid use records available to the council's Compliance Manager on request and shall submit an annual summary report of grid use to the council's assigned monitoring officer by 31 July each year.

Advice Note: *The details of the type of antifouling used on the vessel may be identified as either:*

- (a) *The proprietary name of the antifouling paint used e.g. "Altex No.5", "Antifouling Multi 665" etc.; or*
 - (b) *Soluble matrix, controlled depletion polymer, or ablative antifouling;*
 - (c) *Insoluble matrix, contact leaching, long-life or diffusion anti fouling coating;*
 - (d) *Self-polishing copolymer antifouling coating;*
 - (e) *Metallic antifouling coating; and*
 - (f) *Biocide free coatings.*
- 44 Monitoring and testing of water and sediment quality in the vicinity of the facilities will be carried out by the council. 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.
- 45 The testing programme associated with the monitoring shall generally follow that set out in **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.

AUT.039650.09.01 and AUT.039650.10.01 – Disturb Foreshore during Demolition Construction and Maintenance of a Jetty and Marina Facility and Associated Structures and During Dredging

- 46 Prior to the commencement of demolition, construction and dredging works and the before the site meeting required by Condition 2, the northern extent of the shellfish bed on the intertidal beach south of the slipway and the Occupation Area identified on the Total Marine Services Limited drawing referenced as Northland Regional Council Plan Numbers **4801/2** shall be determined and generally marked with white survey pegs driven into the foreshore.
- 47 Foreshore disturbance from demolition, construction and dredging activities authorised by these consents shall avoid disturbance of the shellfish beds on the intertidal beach outside of the Occupation Area identified on Northland Regional Council Plan Numbers **4801/2**.

AUT.039650.10.01 and AUT.039650.11.01 – Capital and Maintenance Dredging

- 48 A copy of these consents shall be provided to the person who is to carry out the works.
- 49 No dredging associated with these consents shall commence until a Dredging and Mooring Management Plan has been submitted to the councils Compliance Manager for certification. The Dredging and Mooring Management Plan shall be developed in consultation with the Regional Harbourmaster for Northland, and contain written direction of the Harbourmaster to authorise the movement of moorings and their attached vessels that are affected by the proposed dredging. The removal and relocation of moorings shall be undertaken by a mooring contractor approved by the Harbourmaster.
- 50 Dredging operations shall be undertaken in accordance with the certified dredging and Moorings Management Plan.
- 51 Dredging shall be confined to the dredging area identified on the **attached** Total Marine Services Limited drawing referenced as Northland Regional Council Plan Number **4804/1**. Except that dredging shall not be undertaken in the area described as access channel, nor shall the batter slope on the southern side of the dredging area extend on to the intertidal beach containing shellfish beds past the southern boundary of the occupation area identified on Northland Regional Council Plan Numbers **4801/2**.
- 52 The depth of capital dredging and any subsequent maintenance dredging shall not exceed 2 metres below chart datum.
- 53 The volume of material removed during maintenance dredging shall not exceed 500 cubic metres on each occasion such dredging takes place.
- 54 Maintenance dredging shall not take place more frequently than once in any consecutive 12 month period.
- 55 All dredged material shall be disposed of on land at a location authorised to take such material.
- 56 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.

- 57 No discharge of wastes (e.g. sewage, oil, bilge water) shall occur from any vessel associated with the exercise of these consents.
- 58 Dredging works shall only be carried out between 1 March and 30 November.
- 59 All dredged spoil shall be fully contained whilst being transported to the disposal site.
- 60 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.
- 61 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 33% of the background visual clarity at the time of measurement; and
 - (b) The turbidity of the water (Nephelometric Turbidity Units (NTU)) shall not be increased by more than 33% of the background turbidity at the time of measurement; and
 - (c) The Total Suspended Solids shall not exceed 40 grams per cubic metre above the background measurement; and
 - (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.
- 62 Monitoring of dredging shall be undertaken in accordance with the **attached** Schedule 3.

AUT.039650.12.01 – Discharge Washdown Water Containing Contaminants to the Coastal Marine Area

- 63 The discharges of hull washdown water authorised by this consent applies only to the area of the mudcrete grids identified on the **attached** Northland Regional Council Plan Numbers **4801/2** and **4801/4**.
- 64 The discharge of vessel washdown water on to the mudcrete grids shall not result in any of the following effects on coastal water quality, as measured at any point 10 metres from the facilities:

	Standard
Natural visual clarity	Not reduced more than 20%.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Aquatic Life	No destruction of natural aquatic life by reason of a concentration of toxic substances.
Total Copper	Maximum concentration of 0.0013 mg/L.
Total Lead	Maximum concentration of 0.0044 mg/L.
Total Zinc	Maximum concentration of 0.0150 mg/L.

- 65 Concentrations of metals in seabed sediments adjacent to the mudcrete grids shall not exceed the following:

Metal	Limit in Milligrams per Kilogram (dry weight)
Copper	65
Lead	50
Zinc	200

- 66 Water blasting or washdown using high volume water shall not be undertaken on the grids. As far as is practicable washdown liquids shall be contained and disposed of to trade waste system.

AUT.039650.13.01, AUT.039650.14.01 – Discharge Contaminants to Air in the Coastal Marine Area and Discharge Contaminants to Air from Land

- 67 The discharges to air authorised by these consents apply only to the Occupation Area and the Boat Yard Discharge area identified on the **attached** Northland Regional Council Plan Numbers **4801/2** and **4801/4**.
- 68 The preparation or smoothing of vessel hulls or superstructure including removal or smoothing of antifouling using electric sanders without an attached dust collection shall not be undertaken within the consent area.
- 69 Electric sanding and spray coating operations shall be conducted with regard to wind direction and wind strength to prevent or minimise any adverse effects on the environment.
- 70 The application of antifouling paint using spray application equipment shall not occur when the wind speed is below 0.5 m/s (as a 60 second average) or the wind direction (as a 60 second average) is blowing from between 45 degrees through to 170 degrees.
- 71 All spray application of antifouling paint shall comply with Environmental Protection Agency rules including setting up of a controlled work area around the vessel concerned.
- 72 Screens shall be erected around blasting areas during high pressure water blasting to mitigate effects of spray drift.
- 73 All equipment used to avoid or mitigate any adverse effects on the environment from emissions to air shall be maintained in good working order.
- 74 The Consent Holder's operations shall not give rise to any dust, overspray, or odour at or beyond the site boundary, which in the opinion of a Monitoring Officer of the council is offensive or objectionable.
- 75 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.
- 76 All dry abrasive blasting shall be undertaken in a fully enclosed working area that is, where practicable, sealed and ventilated through an air cleaning system. Discharges from the air cleaning system shall be minimised as far as is practicable.
- 77 All abrasive used for abrasive blasting shall contain less than 2% by dry weight free silica.

- 78 The Consent Holder shall, on a daily basis, keep records of all occasions when abrasive blasting and spray coating activities are undertaken. These records shall be made available to the council's assigned monitoring officer on written request and shall include the:
- (a) Type and quantity of abrasive used;
 - (b) Item(s) being blasted and/or spray coated;
 - (c) Method of abrasive blasting used;
 - (d) Location at which abrasive blasting and/or spray coating occurred;
 - (e) Hours of operation each day;
 - (f) Number of blasting and/or spray coating units being used; and
- 79 Types and volumes of coating materials being applied.

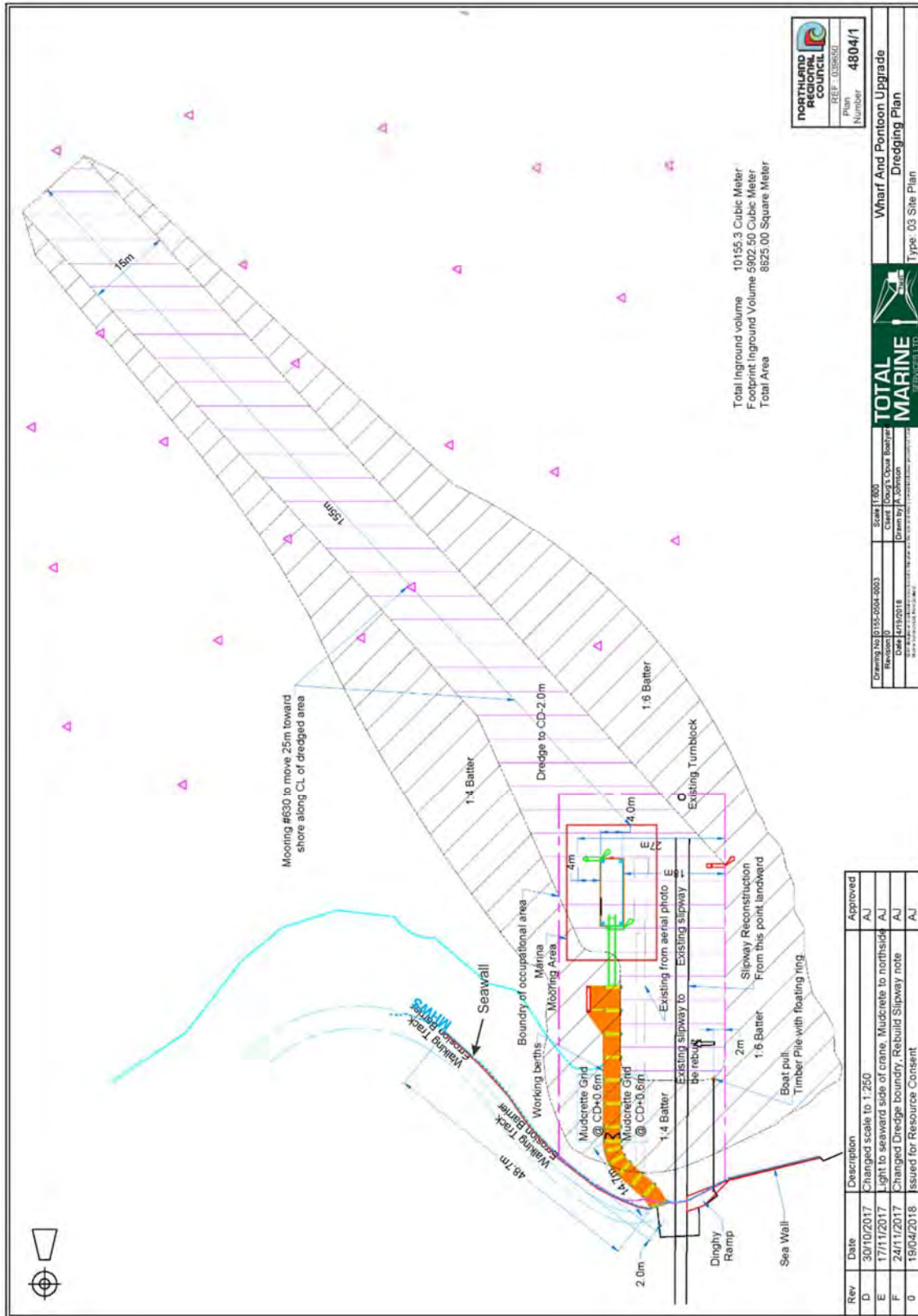
AUT.039650.15.01 – Discharge to Land

- 80 High and low pressure water blasting and wet abrasive blasting of vessel hulls shall be confined to bunded or sealed areas where water containing contaminants are diverted to the collection, settlement and filtration system for immediate pumping to a trade waste disposal system.
- 81 All visible waste, including discoloured water, shall be hosed from the washdown pad immediately after completion of any water blasting operation. The 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. Vessel washdown activities shall not be undertaken during heavy rainfall events that may lead to washdown water entering the stormwater network (i.e. combined volumes of washdown water and stormwater that exceed the capacity of the trade waste disposal pump).
- 82 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.
- 83 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 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, if requested by the council's assigned monitoring officer.
- 84 As far as is practicable, 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.
- 85 Wet sanding shall be confined to bunded and sealed areas. The area used for wet sanding shall be bunded so stormwater from these areas is directed to the stormwater treatment system. Mats or other residue containment devices shall be placed beneath any hull being wet sanded to remove antifouling paint.

AUT.039650.16.01 –Discharge Treated Stormwater to the Coastal Marine Area

- 86 All stormwater from areas of land used for the maintenance of vessels shall be diverted to the stormwater treatment system for treatment prior to discharge to coastal waters.
- 87 The concentration of the contaminants in the stormwater discharge, as measured at the stormwater outlet shall not exceed:
- (a) 20 grams per cubic metre of total petroleum hydrocarbons;
 - (b) 10 milligrams per cubic metre of total copper;
 - (c) 10 milligrams per cubic metre of total lead;
 - (d) 100 milligrams per cubic metre of total zinc; or
 - (e) 100 grams per cubic metre of suspended solids.
- 61 The discharge of stormwater shall not result in any of the following effects, as measured at or beyond a 20 metre radius from the stormwater outlets:
- (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.
- 62 The 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 treatment system and shall supply a copy of this record to the council's assigned monitoring officer immediately on written request.

EXPIRY DATE:	AUT.039650.01.01	to	AUT.039650.11.01	31 JULY 2053
	AUT.039650.12.01	to	AUT.039650.16.01	31 JULY 2036



NORTHLAND REGIONAL COUNCIL
REF: 035850

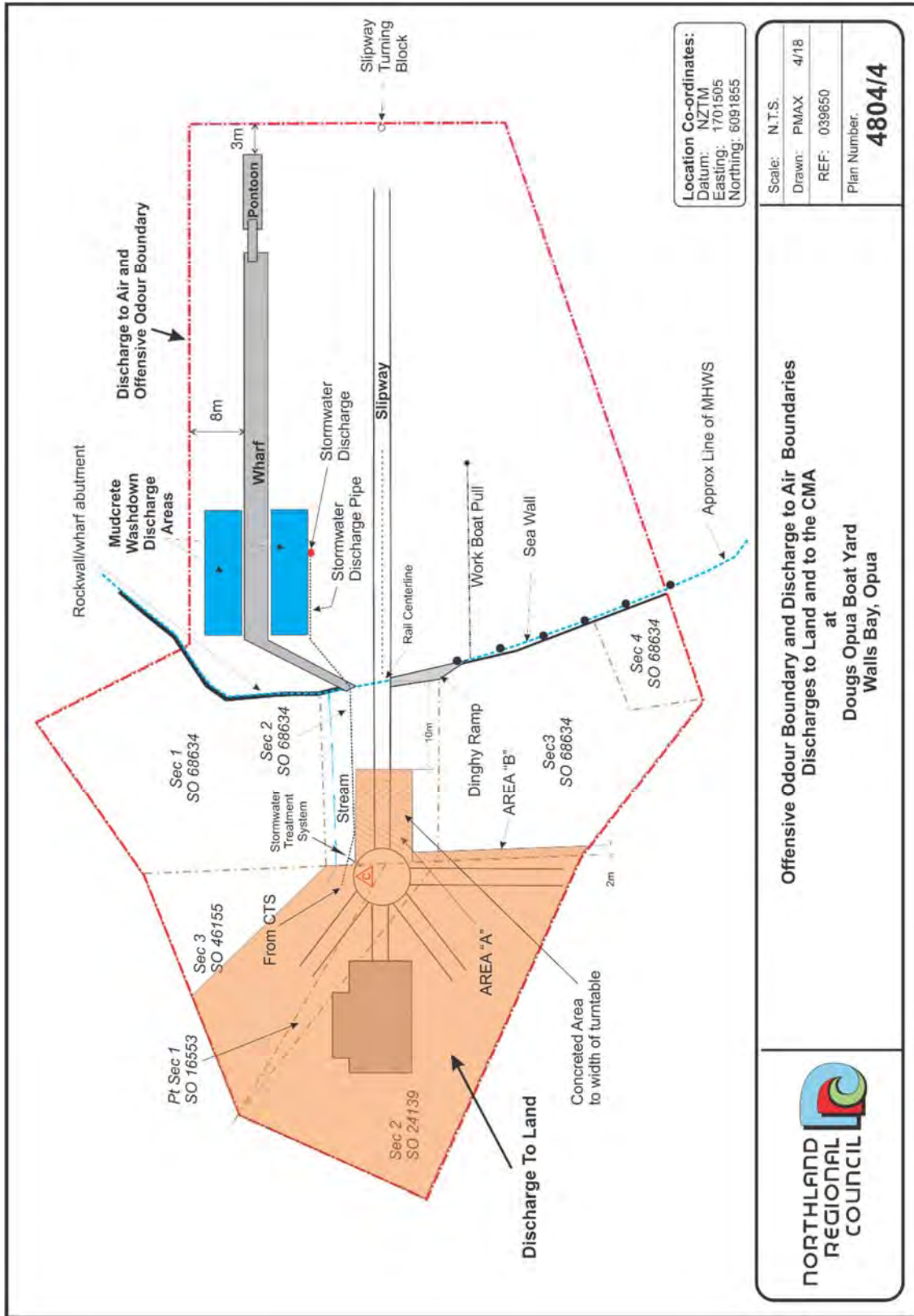
Plan Number: **4804/1**

TOTAL MARINE
SERVICES LTD

Wharf And Pontoon Upgrade
Dredging Plan
Type: 03 Site Plan

Drawing No: 0105-2004-003
Revision: 0
Date: 14/10/2018
Scale: 1:500
Client: Doug & Anna Boyer
Drawn by: J. Johnson
Checked by: J. Johnson
Approved by: J. Johnson

Rev	Date	Description	Approved
D	30/10/2017	Changed scale to 1:250	AJ
E	17/11/2017	Light to seaward side of crane. Mudcrete to northside	AJ
F	24/11/2017	Changed Dredge boundary. Rebuild Slipway note	AJ
G	19/04/2018	Issued for Resource Consent	AJ



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 _{eq}	L _{max}	L _{eq}	L _{max}	L _{eq}	L _{max}
Weekdays	0630 – 0730	60	75	65	75	55	75
	0730 – 1800	75	90	80	95	70	85
Saturdays	0630 – 0730	45	75	45	75	45	75
	0730 – 1800	75	90	80	95	70	85

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.

Notes: 1 “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.

2 Noise levels L₁₀, L₉₅ and L_{max} 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) L_{max} means the maximum noise level (dBA) measured;
- (c) L₉₅ means the noise level (dBA) equalled or exceeded for 95% of the measurement time;
- (d) L₁₀ as for L₉₅ except that the percentage figure is 10%.

OPERATION NOISE

Noise emitted from any activity associated with the jetty and marina facility, when measured at the boundary of the zone, shall not exceed the following noise levels as measured at or within the boundary of any residential site not under the control of the consent holder:

<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</i>
	<i>65 dBA L_{max}</i>

Operation 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.

SCHEDULE 2

TESTING PROGRAMME FOR WATER QUALITY

DURING OPERATION OF JETTY FACILITY AND MARINA

Testing will be carried out for Faecal Coliforms for compliance with the standard.

Up to four separate testing events for Faecal Coliforms may be taken annually, unless monitoring results indicate it is necessary to go to a 30 day sampling regime, as provided for in the conditions of consent.

Samples will be taken at no less than three sites within or adjacent to the jetty and marina facility, and at suitable control sites (upstream and downstream) the precise locations of which will be determined following consultation by council monitoring staff with the Consent Holder.

The testing will be carried out between 1 November and 1 April in the following year.

Sampling will be carried out at the same time for, Temperature, Salinity and Dissolved Oxygen.

STORMWATER DISCHARGE

The stormwater discharges will be sampled during a moderate rainfall event following an extended dry period.

TESTING FOR METALS IN SEABED SEDIMENTS

Testing for metals in seabed sediments at the stormwater discharge location, and adjacent to the mudcrete grids and within the boundary of the marina area will be carried out annually.

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, and submitted to the council's assigned monitoring officer weekly 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 black disc or 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. 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.

APPENDIX A:

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

<div data-bbox="685 390 930 632"></div> <div data-bbox="495 634 1117 707"><h1>Resource Consent</h1></div> <div data-bbox="480 739 1131 789"><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="365 846 1214 879"><p>DOUG'S OPUA BOATYARD (D C SCHMUCK), RICHARDSON ST, OPUA</p></div> <div data-bbox="365 905 946 934"><p><u>A (01 - 03) AND (05 - 09) - COASTAL PERMITS:</u></p></div> <div data-bbox="365 957 1248 1014"><p>To carry out the following activities associated with the operation of a boatyard at Richardson Street, Opuā:</p></div> <div data-bbox="365 1037 1248 1444"><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.</div> <div data-bbox="365 1470 1242 1499"><p>subject to the information submitted with the application and the following conditions:</p></div> <div data-bbox="365 1524 1248 1766"><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.</div>	<div data-bbox="1105 384 1313 409"><p>CON20030791410</p></div> <div data-bbox="922 409 1313 466"><p>Re-issue of (01-03) & (05-15) Including Changes to (10) and (14)</p></div>
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- 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, Opuia:

- (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.

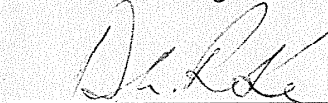
- 22 The Regional Council may in accordance with section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent. Such notice may be served six months after the commencement of the consent, and thereafter at yearly intervals. 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.

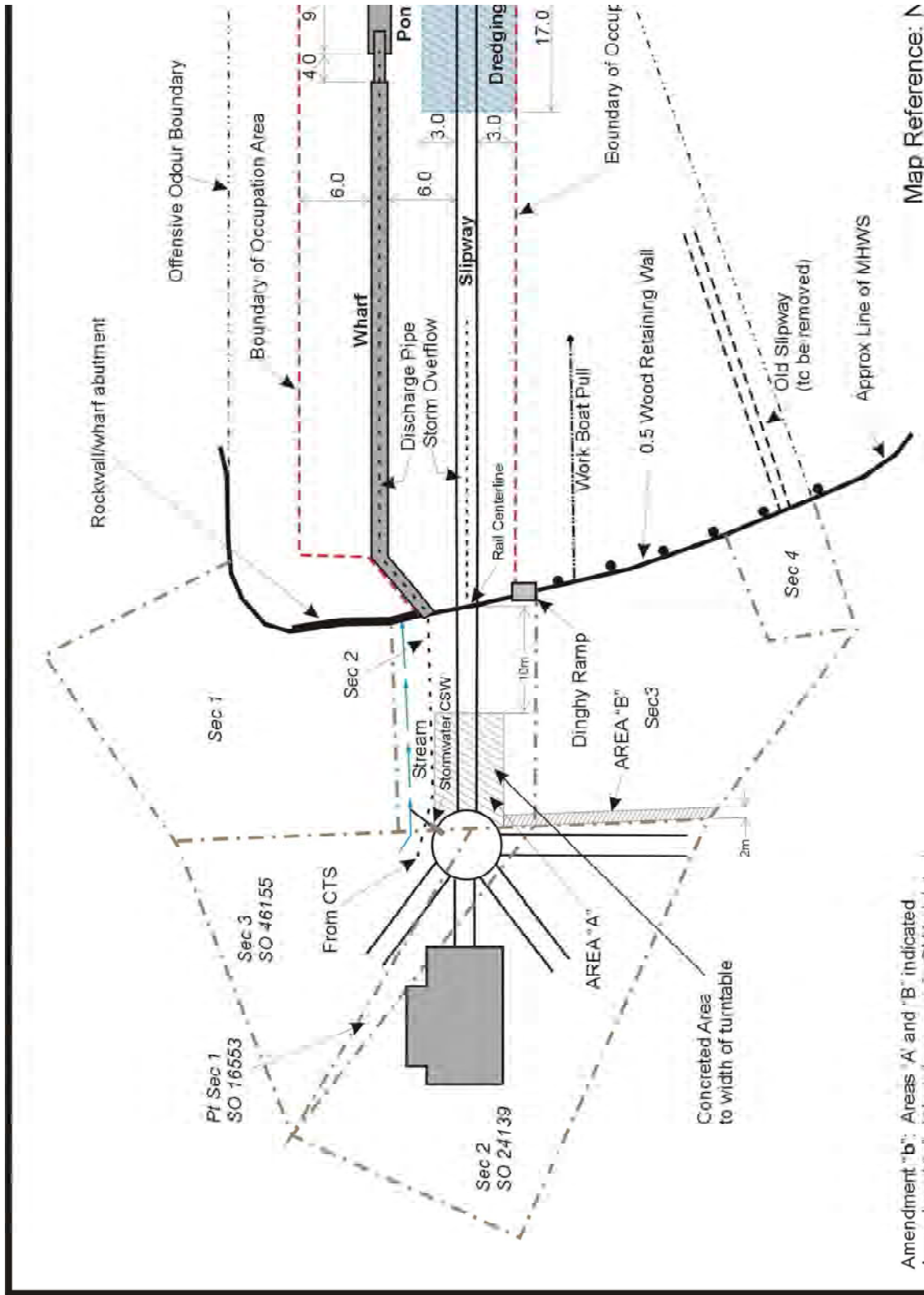
The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATE: 30 APRIL 2006

ISSUED at Whangarei this Fourth day of March 2004



D L Roke
Consents Manager



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.

The following are recently expired consents for Discharges being exercised under section 124 of the Act: AUT.007914.10–13 and AUT.007914.15



CON20060791410
(10-15)

Resource Consent

*Pursuant to the Resource Management Act 1991, the Northland Regional Council
(hereinafter called "the Council") does hereby grant a Resource Consent to:*

DOUG'S OPUA BOATYARD (D C SCHMUCK), 1 RICHARDSON STREET, OPUA 0200

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

- (10) To discharge treated wash water to the coastal marine area at or about location co-ordinates 1701520E 6091850N.
- (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 location co-ordinates 1701470E 6091840N.
- (12) To discharge contaminants to air in the coastal marine area from marine vessel construction, sale, repair, maintenance and associated activities at or about location co-ordinates 1701520E 6091850N.
- (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 and 3 SO 63634, Blk V Russell SD at or about location co-ordinates 1701470E 6091840N.
- (14) To discharge stormwater to an unnamed tributary of the Veronica Channel on Sec 3 SO 46155 Blk V Russell SD at or about location co-ordinates 1701470E 6091840N.
- (15) To discharge stormwater to the coastal marine area at or about map reference location co-ordinates 1701520E 6091850N.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

(10) DISCHARGE OF TREATED WASH WATER 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 boat wash water containment system, and CTS treatment system shall be constructed and be fully operational in general accordance with the details provided in the application, by no later than 31 March 2009.

- 3 The wash water discharge treatment system shall:
- (a) Retain all particles larger than 60 micrometres (μm) diameter.
 - (b) Retain no less than 90% of total suspended solids.
 - (c) Retain no less than 80% total copper and zinc, and no less than 80% soluble copper and zinc.

- 4 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving waters, 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	0.0013 g/m ³
total lead	0.0044 g/m ³
total zinc	0.015 g/m ³

Guideline: ANZECC 2000: 95% specie level of protection for slightly-moderately disturbed systems.

- (h) Any emission of objectionable odour.
- (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.)

(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 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 3231c.
- 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 Notwithstanding Condition 8, the Consent Holder shall not apply antifouling paint using spray application equipment when the wind speed is below 0.5 m/s (as a 60 second average) or the wind direction (as a 60 second average) is blowing from between 45 degrees through to 170 degrees.
- 10 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 3231c.

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)

- 11 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. All waste material shall be disposed of at a location with the appropriate resource consents.

- 12 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.
- 13 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.
- 14 All abrasive used for abrasive blasting shall contain less than 2% by dry weight free silica.

(13) DISCHARGE TO GROUND

- 15 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. Notwithstanding the generality of the foregoing, the following measures shall be carried out:
 - (a) Drop sheets shall be used to collect materials that arise from boat maintenance activities within those areas of the boatyard where the yard surface is pervious (ie. metalled areas, grassed areas etc).
 - (b) Maintenance activities shall not take place under conditions that would preclude the use of drop sheets from effectively containing materials that have arisen from boat maintenance activities.

Advice Note: Such conditions may include wind or rain that prevents materials from settling and/or remaining within the confines of the drop sheets.
 - (c) All materials accumulating on drop sheets shall be removed daily or upon the completion of maintenance activities, whichever occurs first. The collected materials shall be disposed of at an authorised hazardous waste treatment or disposal facility.
 - (d) Any materials arising from boat maintenance activities that escape from drop sheets or impervious yard surfaces shall be removed from the yard surface and collected for disposal to an authorised hazardous waste treatment or disposal facility.
 - (e) Water blasting or washing of vessel hulls shall only take place over impervious yard surfaces (ie. the turntable) which are able to collect wastewater for processing via the wastewater treatment system.

All measures shall be incorporated into the Management Plan required in accordance with the requirements of Condition 21 (below).

(14) DISCHARGE OF STORMWATER TO WATER

16 The stormwater discharge treatment system shall:

- (a) Retain all particles larger than 60 micrometres (μm) diameter.
- (b) Retain no less than 90% of total suspended solids.
- (c) Retain no less than 80% total copper and zinc, and no less than 80% soluble copper and zinc.

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 clarity as measured by the black disc method shall not be greater than 40%.
- (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	0.0014 g/m ³
total lead	0.0034 g/m ³
total zinc	0.008 g/m ³

Guideline: ANZECC 2000: 95% specie level of protection for slightly-moderately disturbed systems.

- (h) 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.)

18 The discharge of treated stormwater from the boatyard to the stream authorised by this consent shall be discontinued upon connection of the treated stormwater discharge into the discharge pipe to the wharf.

(15) DISCHARGE OF STORMWATER TO THE CMA

19 The stormwater discharge treatment system shall:

- (a) Retain all particles larger than 60 micrometres (μm) diameter.
- (b) Retain no less than 90% of total suspended solids.
- (c) Retain no less than 80% total copper and zinc, and no less than 80% soluble copper and zinc.

20 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	0.0013 g/m ³
total lead	0.0044 g/m ³
total zinc	0.015 g/m ³

Guideline: ANZECC 2000: 95% specie level of protection for slightly-moderately disturbed systems.

- (h) Any emission of objectionable odour.
- (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.)

GENERAL CONDITIONS APPLYING TO CONSENTS (10 TO 15)

- 21 The Consent Holder shall maintain the Management Plan that has been approved by the Council (see Advice Note 1 below). 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 wash water treatment system;
- (c) The operation and maintenance of the stormwater treatment system;
- (d) Measures to minimise the discharge of contaminants to ground. (see Note 2)
- (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.

*Advice Note: The initial approved Management Plan shall be that **attached** to this consent.*

- 22 The Consent Holder shall review the Management Plan, in consultation with the Council, at no greater than three yearly intervals.

- 23 The Consent Holder shall maintain all facilities covered by these consents in good order and repair.

- 24 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 Council, as soon as is practicable, of any complaint received. Records of the above shall be sent to the Council upon request.

- 25 The Consent Holder shall, for the purposes of adequately monitoring the consent 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 this consent:

- (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 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.

26 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 of this consent annually during the month of May. The review may be initiated for any one or more of the following purposes:

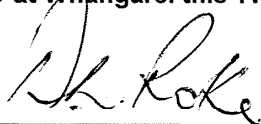
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Council's 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 the regional coastal plan relating to minimum standards of water quality that have been made operative since the commencement of the consent;
- (d) 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).

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

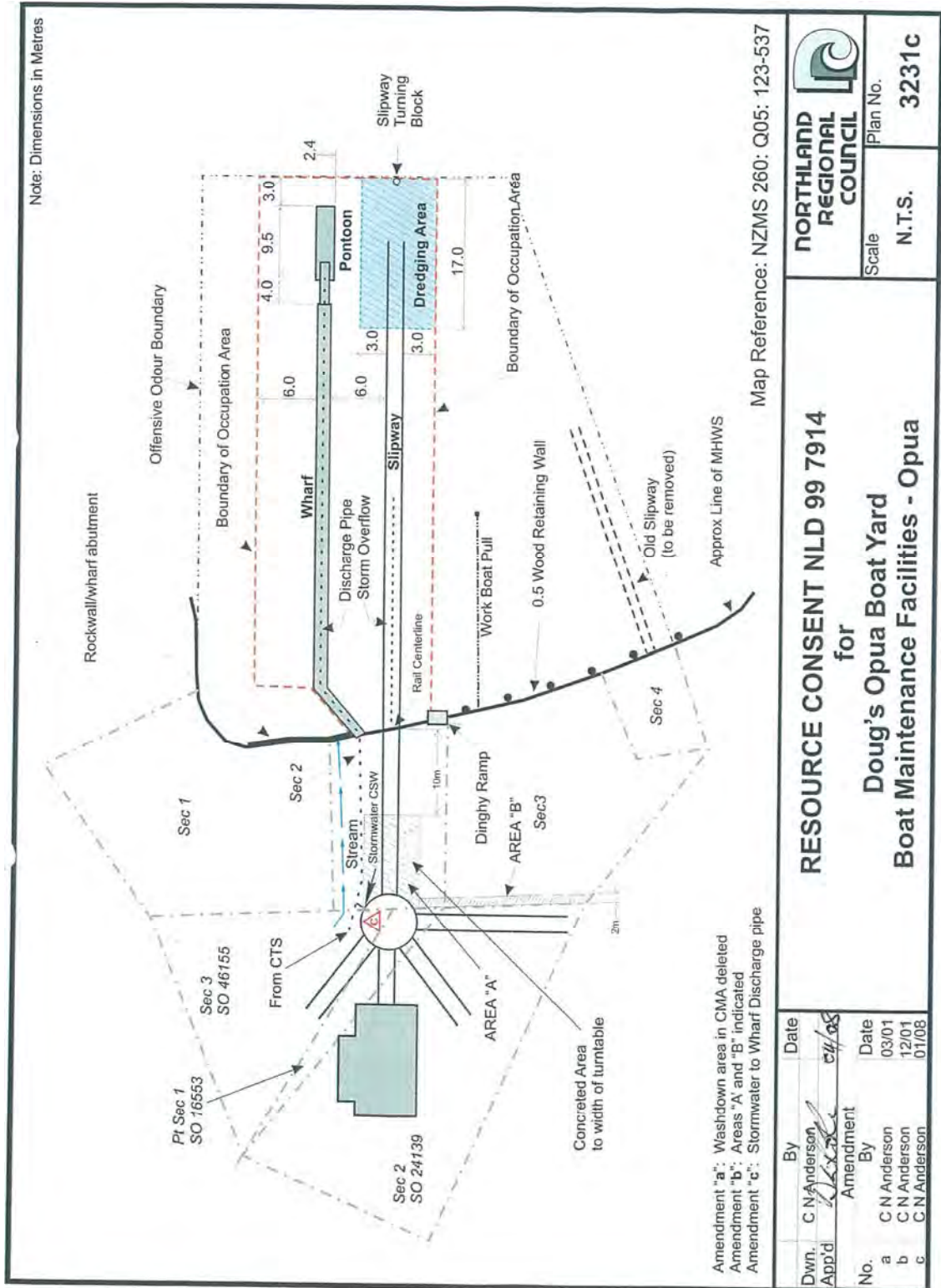
EXPIRY DATE: 30 MARCH 2018 – for Resource Consents CON20060791410-13 and CON20060791415

30 MARCH 2009 – for Resource Consent CON20060791414

ISSUED at Whangarei this Twentieth Day of May 2008



DL Roke
Consents Manager



i
INITIAL APPROVED
MANAGEMENT PLAN

MANAGEMENT PLAN FOR DOUG'S OPUA BOATYARD

1. SCOPE OF THIS PLAN FOR OPERATIONS OF A BOAT MAINTENANCE FACILITY:

In principle, the purpose of this plan is to establish a sustainable system of operational management in conjunction with conditions of consent regarding discharges to the air, ground, and water from the processes of maintenance, repairs, and construction on vessels whilst at or on the site.

The goals of this plan are to effect at all practical times adherence to the above principles to achieve at or below those criteria base levels of discharge and provide sufficient capability to emergency backup in case of any given accident, uncontrolled spill, or discharge.

As this is a sole proprietor operation, the implementation of the plan rests with one person; the owner of Doug's Opuia Boatyard at all times.

2. ENVIRONMENTAL POLICIES AND OBJECTIVES:

This boat maintenance facility is an integral planning unit consisting of private land, public land, and seabed. There are a considerable number of interrelated activities that take place on each that create a cumulative effects on the overall surrounding marine and coastal environment.

The management policies will depend largely on the scope of each and every individual job, the scale of the work, and the most practical solution to control discharges from these works to a minimum level.

The management objectives largely depend on the ability to contain then dispose or treat any discharge from the above work processes. Then either remove them to a controlled site or discharge the treated byproduct as per the listed consent parameters into the greater surrounding environment.

3. FACTORS OF MANAGEMENT:

There are ten factors of management with regard to this Resource Consent. They are in order:

- (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;
- (f) Contingency measures for unforeseen or emergency situations.
- (h) Measures to minimise the effects on the public use of the walking track and Esplanade Reserve.

R

- (i) Measures to minimise the effects of wharf and slipway structures operations and maintenance.
- (j) Measures to mitigate the effects of maintenance dredging.
- (k) Contingency measures for unforeseen or emergency situations.

4. PROCEDURES FOR OPERATIONS MANAGEMENT AND MAINTENANCE:

a) Factor 3a; washdown area will be cleaned from the previous operational day and left clean of any debris for the next operational day. These operations include washing by brush, scrapping, chipping, sanding, chemical removal, and water blasting in any process of hull or equipment preparation for repairs of maintenance of any surface of a ship whilst out of its natural environment. Cleandown will be effected by broom and/or washdown with hose or if needed waterblasted into the CTS. Ref: attached site plan 3231a and 3231b as per the consent order. Contract removal of CTS deposits will be by certified carrier to a appropriate disposal site. Current arrangements are with B.O.J. Disposal to Whangarei.

b) Factor 3b; CTS will stand charged in a full state at all times. Visual and mechanical inspection of the operational parameters are on going during and directly after washdown operations. Equilibrium is usually reached 15 to 20 minutes after all input ceases. Since the CTS is a unidirectional system when not discharging any mechanical or line maintenance is generally conducted on periodic pump out of the FSC. Ref: attachment #1. In turn all systems can be site inspected by hatch and manhole removal. Operational effectiveness parameters can then be assessed and most all maintenance or alterations can be affected at any time.

c) Factor 3c; CSW will be checked for any flow blockage during operational washdown. The presump or initial trap will collect the lions share of any granular sediments prior to storm water moving through the main CSW weir. The primary function of the CSW is to contain heavy metal particles from migrating into the CMA. Ref: attachment #2.

d) Factor 3d; collectable discharges of scrapings, extraordinary sandings, and painting residues will be contained for removal to a controlled disposal site. At all practical time where excessive grinding's of scrapping discharges can be collected by drop cloth or pans and packaged they will be disposed of at proper land fill.

e) Factor 3e; screens and containers will be used to filter emissions at all practical times and minimised to one area at the paint cleaning station. Screening in effect will be erected to contain any oversprays to a finite area of the water-blasting operations. The effects of operations during high winds is self managing due to the funnel effect at this site in relationship to the land form. These effects are confined 100% of the time to operational containment areas of the facility.

f) Factor 3f; there only one unforeseeable discharge emergency that would result in an excessive spill at this particular operational site. That is the rupture of or damage to one or all of the CTS tanks. A probability; maybe! A likelihood; never! (see k below).

h) Factor 3h; the boatyard has always undertaken to keep the walking track and public access safe and open at all practical times during the daily operations. Screens will be erected to control any overspray out side the area of the slipway corridor associated with washing down that would otherwise drift on to the public access of the walking track in contrary weather conditions or in any other circumstance that would obstruct access to and along the CMA. The boatyard has always secured all machinery and equipment from any unauthorised movements during the hours of darkness. If for the reason of safety tressel barriers will be placed over obstructions to notify the public in the case of emergency stopping of equipment. This is in addition to warning signage in conjunction with RC 7914 (01-03). This policy has not nor will be changed!

i) Operational parameters of the wharf and slipway in effect are issues of discharge to surrounding water when any vessel is on or along side these structures. Washing down of vessels for inspection and/or cleaning will be by low presser hose or water blasting. Containment of sandings, scrapings, or heavy fluids by drop cloth, paper barrier or vacuum removal will allow relocation of these materials to the waste site on the wharf or within the boatyard.

j) Periodic dredging will involve the removal of spoil by digger to a proper land fill. Run-off will be contained by a silt boom when operations are conducted at spring low tides when water depths are at a minimum. Duration of work is therefore considerable limited to a matter of hours over a period of approximately four or possibly five days.

k) PROCEDURES OR CONTINGENCY MEASURES IN EMERGENCIES:

Contingency measures at this particular site rest largely on the ability to control run-off into the CMA. Because of the close proximity of access to the CMA the best contingency is multiple collection pits for water and filtration barriers at any outflow point. In the past this method has proved very effective for any ground to water discharge issue and can under some conditions lead to increased efficiency of the CTS. Oil and/or fuel spills would be dealt with in the same manner after soaking up or removal of any excessive fluids for removal to a disposal site.

In the event of any discharge that does not comply with Resource Consent 7914, the NRC will be contacted by telephone immediately, and the requirements of condition ²⁵21 of Resource Consent 7914 (10-15) will be carried out.

All other discharges on site can otherwise be contained on site save the event of conflagration of the shed and its stores of paints and thinners there in. The effects of this event, although considerable, would still be somewhat at minimal level due to the limited quantities of any one product in stores. Effective quick use of multiple dry powder fire extinguishers should see an end to the issue. Barring that I can call upon about 4000 ltrs of water to damp things down. Hopefully by then the fire brigade is on site!

5. PROCEDURES WITH REGARD TO MAINTENANCE OF SYSTEMS:

Due to the limited number of vessels hauled at this site the system needs only to be monitored at a six monthly period over the normal daily operational factors. It is suggested the entire system undergo cleaning and a yearly basis as past operation parameters indicate. I believe a good operational maintenance period should be completed by spring each year and no later than the end of September before the next seasons operations.

The procedures would include:

- a. Drainage of the system by pumper tank removal.
- b. Removal, inspection, renewal, and replacement of all functional systems and apparatus.
- c. Removal and replacement of filtration materials.
- d. Inspect and confirm all interconnections from pick-up to discharge point.
- e. Report to NRC.
- f. Report to FNDC.
- g. Report to the Environment Court (if still applicable).

6. MANAGEMENT PLAN REVIEW CRITERIA:

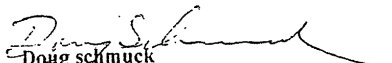
- The frequency of review of this plan will be at three year intervals from its initial approval.

The review method will be by resubmission of the plan with any modifications of practice or operational change in systems. That any improvements will be undertaken at any reasonable time to affect improved containment processes of the entire system. Monitoring data should set any criteria for system changes.

6

- Approval of any changes shall be by each individual council.

In compliance to consent:


Doug schmuck
owner & proprietor

revision
1 October 2002

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



CON20120791416

Resource Consent

*Pursuant to the Resource Management Act 1991, the Northland Regional Council
(hereinafter called "the Council") does hereby grant a Resource Consent to:*

DOUGLAS CRAIG SCHMUCK, 1 RICHARDSON STREET, OPUA 0200

To carry out the following activities in the coastal marine area of Walls Bay, Opuia at or about location co-ordinates 1701495E 6091840N.

Coastal Permits:

- (16) To place, use and occupy space with a seawall.
- (17) To place, use and occupy space with a dinghy ramp extension.

Land Use Consent (Issued under Transfer of Functions, Powers and Duties from the Far North District Council):

- (18) To place and use those portions of a dinghy ramp located above Mean High Water Springs (MHWS),

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

- 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 "*Proposed Walls Bay Site Management Plan*" 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.

- 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:*

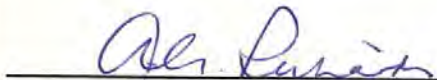
- (i) To provide for compliance with rules relating to minimum standards of water quality in any regional plan that has been made operative since the commencement of the consent; or*
- (ii) To provide for compliance with any relevant national environmental standards that have been made; or*
- (iii) Where 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.

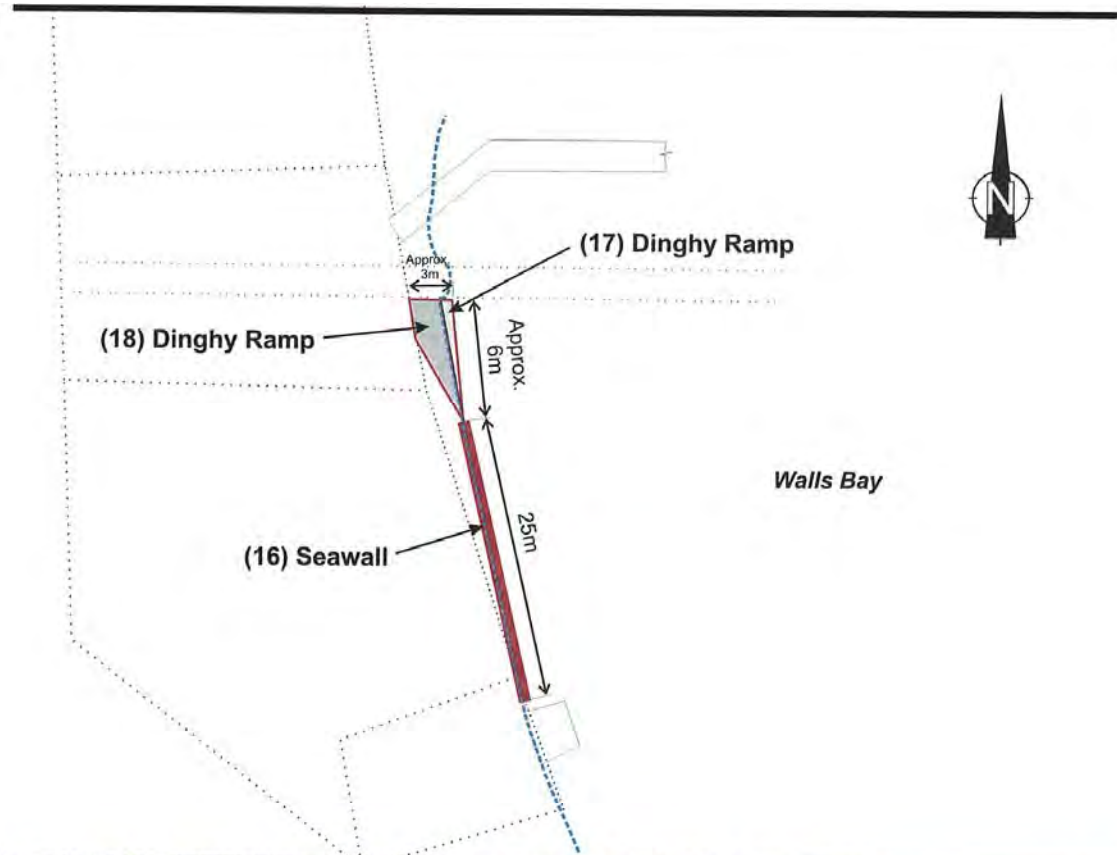
EXPIRY DATE: 30 MARCH 2036

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**

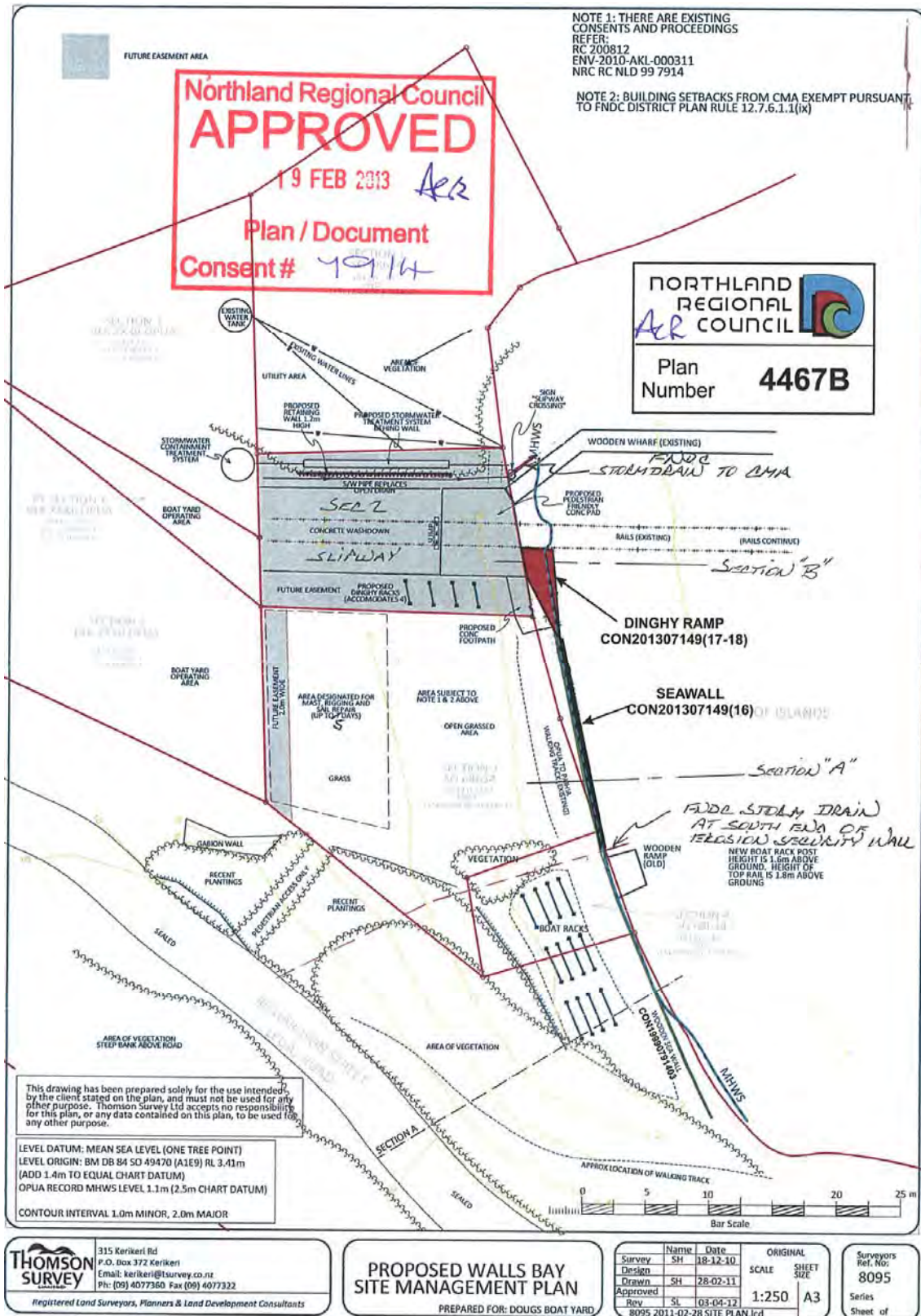
RESOURCE CONSENT CON201307914016-18
for
D Schmuck
Seawall and Dinghy Ramp Extension
Walls Bay, Opua

Scale: N.T.S.

Drawn: PAM 02/13

App'd: *Col. R. Smith* 02/13

Plan No. **4467A**



APPENDIX B: SUMMARY OF SUBMISSIONS

RESOURCE CONSENT APPLICATION – APP.039650.01.01 – STRUCTURES, DREDGING AND OTHER ACTIVITIES FOR DOUG'S OPUA BOATYARD

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
12.01.2018	D C Schmuck	Support	Heard	<ul style="list-style-type: none"> Intent is to modernise all aspects of the boatyard both on land and in the CMA. Anticipates any adverse effects of proposal to be no more than minor with appropriate consent conditions imposed. Considers the proposed dredging to be the only part of the application outside that which already is in effect. 	
08.01.2018	N C & R K Campbell	Support	Heard	<ul style="list-style-type: none"> Supports the entire application. 	Grant
10.01.2018	B Fuller	Support	Not Heard	<ul style="list-style-type: none"> Supports the entire application. 	Grant
11.01.2018	R F Stephens	Support	Not Heard	<ul style="list-style-type: none"> Has known the Applicant and the boatyard for many years and never seen or been aware of any misconduct. The boatyard is one of the last small private maintenance facilities in all of the upper north and is in an ideal location for the proposed new facilities and small boat marina. 	Grant
19.01.2018	T & C Dunn	Support	Heard	<ul style="list-style-type: none"> Upgrading the facilities ensures the boatyard will comply with discharge requirements. Dredging the seabed will improve its recreational value as a swimming area. Positive recreational and amenity effects. 	Grant
19.01.2018	A T Clark	Support	Not Heard	<ul style="list-style-type: none"> Supports the entire application. 	Grant
17.01.2018	W Gardener	Support	Heard	<ul style="list-style-type: none"> Applicant has contributed to improved public access over the years at the site. Applicant has contributed to a renewed pipi environment (with improvement works over the years). Has been approached by the Applicant to discuss ways to preserve the pipi bed in conjunction with the proposed new works and advice sought regarding the construction of the seawall to restore the walking track. Has been asked by the Applicant to assist in beach rehabilitation works and reseedling of pipis. 	Grant
23.01.2018	D J Degerhorm	Support	Heard	<i>Submission not complete – not signed or dated.</i>	Grant
24.01.2018	M Lindsey & G Woodward	Support	Not Heard	<ul style="list-style-type: none"> Supports entire application. Well utilised and important business for residents and visiting yachties. 	Grant
25.01.2018	A S Wilson	Support	Not Heard	<ul style="list-style-type: none"> Supports entire application. 	Grant

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
29.01.2018	I Dechrai	Oppose	Not Heard	<ul style="list-style-type: none"> Commercial activities given precedent within a public esplanade reserve (land use). Adverse effects to ecology including marine life and flora and fauna from dredging and discharge. Adverse effects to residential amenity. Inappropriate at the proposed location given a large, fully serviceable marina is available in Ōpua. Adverse effects to the seabed from the proposed dredging. Exclusive occupation of public resources for commercial/private gain. 	Refuse
30.01.2018	D E Bogardus	Support	Not Heard	<ul style="list-style-type: none"> Has utilised the Ōpua Boatyard under the three previous owners. Boatyard has provided good service to locals and the international boating community. Boatyard has no impact on personal residency, privacy or sensibilities despite the extremely close proximity. Upgrades to boatyard over the years has improved amenity to the area. 	Grant
01.02.2018	D R Taylor	Support	Not Heard	<ul style="list-style-type: none"> Over the past 20 years of personal involvement with the Applicant and the boatyard, the Applicant has sympathetically improved both the yard and foreshore. Proposal will further enhance and protect the coastline. An all tide jetty and berthing facility will greatly improve the accessibility and safety for those involved. 	Grant
01.02.2018	E Pavone	Support	Not Heard	<ul style="list-style-type: none"> Has successfully utilised the boatyard services since 1996. Witnessed improvements of the facilities over the years which have improved the amenity of the area including a stonewall to retain the public walkway and stop silting in the bay. Proposed upgrades will improve current services at boatyard. Boatyard offers some of the last traditional ways in terms of boat handling, fitting and repairs with modern discharge of pollutants. 	Grant
02.02.2018	S Pavone	Support	Not Heard	<ul style="list-style-type: none"> Has successfully utilised the boatyard services since 1996. Witnessed improvements of the facilities over the years which have improved the amenity of the area including a stonewall to retain the public walkway and stop silting in the bay. Proposed upgrades will improve current services at boatyard. Boatyard offers some of the last traditional ways in terms of boat handling, fitting and repairs with modern discharge of pollutants. 	Grant
31.01.2018	Waikare Maori Committee/ Peter Clark	Oppose	Heard	<ul style="list-style-type: none"> Impact on environmental, spiritual and cultural grounds Exclusive ownership. Lack of consultation with Tangata Whenua. Adverse effects to natural character and historic character of the area. 	Refuse

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
31.01.2018	D R M Clark	Oppose	Heard	<p><i>Not Electronic - Not Signed. Or dated.</i></p> <ul style="list-style-type: none"> Environmental impact of proposal. Expansion of commercial activities in the CMA. 	Refuse
31.01.2018	J D Clark	Oppose	Heard	<ul style="list-style-type: none"> Desecration to the environment from the proposed capital and maintenance dredging. Exclusive occupation of public resources. Adverse cultural effects and adverse environmental effects in general. 	Refuse
31.01.2018	A A Atkinson	Oppose	Heard	<ul style="list-style-type: none"> Wait until an outcome has been reached from the High Court in regards to an outstanding appeal over easements (land use). Poor quality of the application, including inconsistent metrics used throughout the application. Exclusive occupation and 2 berth marina. Chartering of vessels. Renewal of discharge permits. Adverse effects to public access and recreational use of the esplanade reserve (land use). 	Refuse
02.02.2018	D I & R A George	Support/Oppose	Not Heard	<ul style="list-style-type: none"> Positive visual amenity effects. Positive effect on recreational use including swimming and boating. <p>Suggested Conditions (areas of consent not supported):</p> <ul style="list-style-type: none"> No restriction to public access along the esplanade reserve at all times. No water or land discharge of contaminants is permitted. Boatyard responsible for ensuring sufficient carparks are available for boatyard users within the grounds of the boatyard. Public access is not encumbered along the walking track at all times. 	Grant
03.02.2018	Interesting Projects Limited t/a Great Escape	Support	Heard	<ul style="list-style-type: none"> Supports the entire application. (Submitter utilises the subject wharf for sailing school and hire boat business). 	Grant
05.02.2018	S Harris	Neutral	Not Heard	<p>Would support the application if:</p> <ul style="list-style-type: none"> The proposed exclusive occupation and use of the CMA only pertains to the new jetty structures. No adverse effects to the local walking track or the recreational use of the Walls Bay esplanade reserve and the CMA. 	
05.02.2018	C & R Pringle	Neutral	Not Heard	<p>Would support the application if:</p> <ul style="list-style-type: none"> The proposed exclusive occupation and use of the CMA only pertains to the new jetty structures. No adverse effects to the local walking track or the recreational use of the Walls Bay esplanade reserve and the CMA. 	

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
05.02.2018	B R Child	Oppose	Not Indicated	<ul style="list-style-type: none"> Proposal is unsuitable at its location. Exclusive occupation of the CMA at the proposed location is contrary to the purpose of the esplanade reserve. Boatyard maintenance should be carried out on private property. Marina berths should be located in a marina zone. Works affecting the public walkway and esplanade reserve should not be instigated or carried out by a member of the public. Insufficient information within the application in regards to the proposed activities and the design of the slipway, jetty and pontoon. 	Refuse
05.02.2018	A S Kyriak	Oppose	Heard	<ul style="list-style-type: none"> Insufficient/confusing and incomplete application detail. Inappropriate/unnecessary for additional marina berths at site given the nearby Ōpua Marina. Inappropriate/unnecessary for proposed protection works. Exclusive occupation of public resources for private commercial gain. Adverse effects to public access and recreational use of public resources. Adverse effects to amenity and natural character and landscapes. Adverse effects to water movement and seabed. Proposal is contrary to the New Zealand Coastal Policy Statement, Northland Mooring and Marina Strategy, Resource Management Act 1991, Regional Coastal Plan and the Proposed Regional Plan 	Refuse
05.02.2018	B Etherton	Support	Not Indicated	<ul style="list-style-type: none"> Support the entire application subject to strict monitoring of all dredging and associated activities. 	Grant
07.02.2018	Northland District Health Board	Neutral	Not Heard	<p>Proposed conditions in regards to capital and maintenance dredging relating to:</p> <ul style="list-style-type: none"> The prevention of recirculation of toxic metal sediments or persistent organic compounds or other pollutants or their degradation products, which may then become bioavailable in either the water column or in food chain processes. 	
07.02.2018	R Duley	Support	Not Heard	<ul style="list-style-type: none"> The boatyard has been operating at the locale for a number of years and is part of the marine industry infrastructure and is a source of employment. The boatyard represents the character of the locale and should continue operating provided public access along the foreshore and coastal walkway is maintained. 	Grant
08.02.2018	T P Heger	Oppose	Not Heard	<ul style="list-style-type: none"> Exclusive occupation of public resources for commercial gain. 	
08.02.2018	P K Nissen	Oppose	Not Heard	<ul style="list-style-type: none"> Exclusive occupation of public resources for commercial gain. 	

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
08.02.2018	H J Nissen	Oppose	Not Heard	<ul style="list-style-type: none"> ▪ Exclusive occupation of public resources for commercial gain. ▪ Inadequate application in terms what is proposed, adverse effects assessment including discharge activities, dredging, seawall, new structures and inadequate assessment against the New Zealand Coastal and Regional Policy Statements and the Northland Moorings and Marina Strategy. ▪ Adverse effects to public access and recreational values. ▪ Adverse effects to water flow due to proposed capital dredging. ▪ Adverse effects to natural character. ▪ Inappropriate/unnecessary use of the CMA. ▪ Opposes the renewal of existing discharge consents (extended consent term) due to existing issues with the existing consented discharge activities. ▪ Proposal contrary to the Resource Management Act 1991 and the Proposed Regional Plan. 	Refuse
08.02.2018	W Kearney	Oppose	Not Heard	<ul style="list-style-type: none"> ▪ Exclusive occupation of public resources for commercial gain. 	
08.02.2018	J Johnston	Oppose	Heard	<ul style="list-style-type: none"> ▪ Exclusive occupation of public resources for commercial gain. ▪ Inadequate application in terms what is proposed, adverse effects assessment including discharge activities, dredging, seawall, new structures and inadequate assessment against the New Zealand Coastal and Regional Policy Statements and the Northland Moorings and Marina Strategy. ▪ Adverse effects to public access and recreational values. ▪ Adverse effects to water flow due to proposed capital dredging. ▪ Adverse effects to natural character. ▪ Inappropriate/unnecessary use of the CMA. ▪ Opposes the renewal of existing discharge consents (extended consent term) due to existing issues with the existing consented discharge activities. ▪ Proposal contrary to the Resource Management Act 1991 and the Proposed Regional Plan. 	Refuse
08.02.2018	M K Rashbrooke	Oppose	Heard	<ul style="list-style-type: none"> ▪ Application is confusing and incomplete (application should not have been accepted by the Council). ▪ Application should not be considered until an outstanding appeal is heard on 13 February 2018 relating to easements (land use). ▪ Adverse effects to public access and recreational values. ▪ Private occupation of public resources for commercial gain. ▪ Application misleads the community. ▪ Application should include land use consent and have joint input with Far North District Council. ▪ Potential reclamation rather than protection works. ▪ Adverse effects to amenity, natural character and landscapes. ▪ No reason given for new jetty facility to be constructed. 	Refuse

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
08.02.2018	J J Kearney	Oppose	Not Heard	<ul style="list-style-type: none"> Adverse effects to public health/air pollution (discharge activities). Adverse effects to the natural character of the area, including the walking track. Exclusive occupation. Adverse effects to public access and recreational use of public resources. Adverse effects to amenity of the area. Exclusive occupation of a public resource for private commercial gain. 	Refuse
08.02.2018	L Harris	Oppose	Not Heard	<ul style="list-style-type: none"> Adverse effects to recreational use and enjoyment of the Walls Bay esplanade reserve and adjacent CMA. Boat maintenance activity should be confined to the Applicant's private boatyard property. Marina berths should be located in marina zones. Exclusive operation of an area of the CMA at the Walls Bay esplanade reserve defeats the purpose of esplanade reserves. 	Refuse
08.02.2018	M B Larcombe	Oppose	Heard	<ul style="list-style-type: none"> Confusing and undecipherable application detail. Exclusive occupation of public resources for commercial gain. Adverse effects to public access and recreational use of public resources. Further adverse effects to natural character, amenity and landscapes (already compromised from current boatyard operations and modifications at the site). Adverse effects to water movement and seabed. 	Refuse
08.02.2018	M Marks	Oppose	Heard	<ul style="list-style-type: none"> Application should be deferred until matters are resolved relating to three outstanding Treaty of Waitangi claims and Waitangi Tribunal proceedings and due process. Exclusive occupation of public resources for commercial gain. Adverse effects to the mooring area. Adverse effects to natural character, landscapes and amenity. Adverse effects to cultural values of the area. Adverse effects to water movement and seabed. Insufficient information within the application detail. Alteration works to the public walkway should be not be carried out by a private person, but rather the Far North District Council. Inappropriate/unnecessary use of the CMA. Opposes the renewal of existing discharge consents (extended consent term) due to existing issues with the existing consented discharge activities. Proposal contrary to the Resource Management Act 1991 and the Proposed Regional Plan. Misleading existing signage – private signage should be on private land. 	Refuse
08.02.2018	P J Nobbs	Oppose	Heard	<ul style="list-style-type: none"> Exclusive occupation of public resources. Adverse effects to public access and recreational values. Adverse effects to amenity of the area. 	Refuse

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
08.02.2018	C P Sharp	Support	Heard	<ul style="list-style-type: none"> Supports entire application. 	Grant
08.02.2018	G N Drain	Oppose	Heard	<ul style="list-style-type: none"> Adverse effects to the natural character and amenity of the CMA (Ōpua Basin). Additional marine services should be contained within the area from the wharf to the Ashby yard which already has intensive development. Adverse effects to the esplanade reserve (public access/recreational values) by commercial operations (land use). Adverse effects to the public carparking at Richardson Street. Further encroachment into the CMA precluding recreational enjoyment 	Refuse
07.02.2018	Mane Te Kauhoa Kiwi Kiwi	Oppose	Not Heard	<ul style="list-style-type: none"> Opposes entire application. 	Refuse
07.02.2018	D Dysart	Oppose	Not Heard	<ul style="list-style-type: none"> Unprofessional application, lacking required information and clarity. Lack of detail in regards to the screens proposed on the three work berths to contain air and ground contamination. Change to the nature of the existing jetty facility to a commercial/industrial marina. Exclusive occupation of CMA for commercial gain. Adverse effects to public access and recreational use of public resources. Adverse effects to water movement including accelerated erosion from proposed dredging. Lack of detail within application to show necessity of proposed seawall. Adverse effects on amenity, landscape and natural character from proposed seawall. Unnecessary for additional marina berths in Ōpua given the recent expansion of the Ōpua Marina. The scale of capital dredging is unwarranted and will have adverse effects to the existing mooring area within the Ōpua Basin/Walls Bay. There is a lack of alternatives in Ōpua for recreational, seaside, grassy areas for public recreational value (land use). 	Refuse
07.02.2018	V P Cadell	Oppose	Not Heard	<ul style="list-style-type: none"> Adverse effects to public access and recreational use of the CMA, esplanade reserve, conservation areas and road reserve. Adverse discharge effects in regards to use of proposed working berths on new jetty. Adverse effects to water movement including erosion of the foreshore from proposed dredging. Lack of information/clarity within the application. Further encroachment of commercial activities in the CMA. 	Refuse
15.02.2108	Necia Knowles	Oppose	Heard	LATE SUBMISSION	Refuse

APPENDIX C: ADDITIONAL REPORTS AND COMMENTS

Excerpt from February 2008 section 42A staff report from previous replacement application CON20060791410–15 for Discharges – Effects Assessment

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EFFECTS ASSESSMENT

Wash Water and Stormwater Discharges to Coastal Marine Area

The wash water and stormwater discharge to the coastal marine area is categorised by the contaminants, copper, zinc and lead. Of these, monitoring of the current consent has indicated that copper is the most prevalent metal found followed by zinc. Generally lead is not a significant issue, the use of tributyl tin (TBT), no longer being used in New Zealand as a key ingredient in hull antifouling preparations. While lead continues to be the predominant material for most yacht keels due to its high density, and is not therefore completely absent from the picture, monitoring results show that it is present in much smaller concentrations than the other two metals.

Consequently copper requires the most dilution in order to meet the Australia and New Zealand Environmental and Conservation Council (ANZECC) water quality guidelines.

Monitoring of the current consents has shown, on the two monitoring occasions (30 January 2004 and 2 February 2006), that, despite treatment, the ANZECC (1992) guidelines for total copper (0.01 grams/ cubic metre), used in the conditions of consent, have not been met in the discharge of stormwater, after mixing, in both the water course and the CMA. Total zinc guidelines (0.1 grams/cubic metre) also were not met in the watercourse on one of these occasions. However, in all cases the measured levels were not significantly above the level for compliance. It is further understood that the Far North District Council may have since diverted stormwater from other sources that may have reduced the potential for such flows to pass through the boatyard and thereby contribute to the contaminant load in the boatyard consent. If so then it might be expected that subsequent monitoring of the boatyards stormwater consents will confirm this or otherwise.

Monitoring of the copper, in discharged wash water after mixing in the CMA, has, on all three occasions monitored (7 November 2003, 28 January 2004 and 2 March 2006) shown levels of total copper above that allowed by consent condition (0.005 grams/cubic metre: ANZECC 1992) although only by a minor amount. Both total zinc and total lead levels complied with conditions.

Therefore, allowing for the frequency of monitoring, there is doubt that the current treatment system is adequately removing the contaminants, particularly copper and, to a lesser extent zinc, on all occasions.

A summary of the outcomes of the above monitoring is attached in Appendix A.

More stringent levels now apply in the 2000 version of ANZECC guidelines for slightly-moderately disturbed ecosystems¹, which now limits total copper to 0.0013 grams/cubic metre and zinc to 0.0150 grams per cubic metre. Comparison of the results of monitoring results for wash water on the above three occasions with these new limits would have resulted in zinc limits to have been exceeded on two occasions in addition to all copper limits being exceeded.

Achieving these new standards will inevitably require further system improvement before monitoring may confirm a satisfactory environmental result.

The applicant has proposed limiting the discharge of stormwater to the water course and instead combining part of the stormwater flow into the wash water discharge line to the wharf. This will possibly improve the dilution of stormwater by discharging it into a deeper water column. However, the balance of stormwater flows in excess of the discharge line capacity will discharge either to the stream or by overland flow path. It is understood that the alkathene discharge line diameter is 32 millimetres. This will mean that discharge flow rates through this line will be quite limited and thus in storm flow conditions much of the discharge will remain to the watercourse, unless the size of the discharge line is increased.

In addition the Applicant is proposing to add what he terms an In Line Discharge Filter (ILDF) to the treatment system as a final treatment before discharge. While there are differences between the two process flow diagrams, shown respectively in Attachment H and Attachment 1, it is understood from the Applicant's letter of 9 March 2006 that Attachment H is the correct one. This filter appears yet to be finalised but will likely comprise one or more of sand, metal, charcoal, wool and moss as filter media. The efficacy of such filter media at this site has yet to be determined in practice, but has some basis in theory, given that metals can often be stripped by adherence to the surface of appropriate media.

It is also possible that yard management practices may be a contributing factor to elevated metal levels in discharges. After all it is the yard activities that produce these contaminants in the first place. The ineffective/incorrect use of drop cloths, disposal of sandings, inadequate cleaning down/out of wash-down area, often by other than the yard owner/manager, is understood to be an ongoing issue at many boat maintenance facilities. However, responsibility for yard practices can only, and should, ultimately rest with the Consent Holder.

Stormwater Discharge to Stream (unnamed tributary)

In respect of the adverse effects of this discharge on the stream in the interim, as distinct from those of the current discharge on the coastal marine area, these are minor in the context that the ecological and other natural values of the stream are not high. These will have already been compromised to a degree by previous stormwater discharges from both the boatyard and the adjacent road. However, the principal issue with this discharge is its adverse effect on water quality in the coastal marine area.

¹ ANZECC (Australian and New Zealand Environmental and Conservation Council), 2000. National Water Quality Management Strategy 4: Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000. Volume 1. 317p

The Applicant proposes to discontinue this treated discharge upon connection of the stormwater treatment system to the piped discharge to the coastal marine area. This will enable further pre-treatment of the stormwater discharge by passing it through a proposed in-line filter, which will also provide a final treatment of the wash water.

Discharge of Contaminants to Land

The bulk of the contaminants discharged to land on the applicant's site will be either particulate matter, be bound to particulate matter, or volatilise into the atmosphere.

The majority of the contaminants will be associated with particulate matter and the main mechanism by which these contaminants could leave the site is stormwater runoff. Consequently it is appropriate to deal with the effects of these contaminants in the assessment of the applications for stormwater discharges.

Some portion of the contaminants will enter into solution and as such find their way into groundwater. It is considered that the level of leaching is likely to be very small and insignificant in terms of other sources of contamination in the area. While such contaminants entering groundwater will eventually find their way into the CMA, it is highly unlikely that such sources of contamination of the CMA will be measurable against background concentrations.

The unconfined groundwater resource in the vicinity of the applicant's property is not used for water supply, nor is it likely to be suitable for water supply as saltwater intrusion is likely to occur to some extent to an unconfined system so close to the coast.

Air Discharges to the Coastal Marine Area

The activities proposed by the applicant involving boat cleaning, maintenance and painting have the potential to cause a range of adverse effects including dust nuisance, potential health effects arising from exposure to paint vapours, odour nuisance and paint overspray. Each of these issues will be dealt with in turn.

Abrasive Blasting

The primary contaminant of concern is dust. The majority of dust will be generated during the abrasive blasting process. Most of this dust will be larger than 20 microns and, as such, unlikely to directly pose any health risk to adjacent businesses and/or staff. However, a small component of the dust may consist of smaller particles and it is appropriate to discuss the potential adverse effects in more detail.

High concentrations of free silica in abrasive during dry abrasive blasting has the potential to cause certain respiratory diseases. For this reason, the applicant should be required to use an abrasive with less than 2% free silica and which also has a particle diameter of greater than 15 microns.

Open air dry abrasive blasting may result in the transportation of dust beyond the boundary of the property. This will primarily manifest itself as reduced visibility during the blasting process leading to soiling of some surfaces. For this reason, when carrying out mobile blasting, the applicant should be required to screen objects during blasting so as to restrict the spread of blasting debris.

Dust Nuisance

Dust is normally discharged when vessels are being sanded in preparation for painting. On rare occasions, paint flakes and debris may become dislodged during water-blasting or cleaning and can be transported across the boundary of the property. Significant quantities of dust or debris can be considered offensive and/or objectionable to adjoining property owners.

It is considered that the location of the applicants property is sufficiently far removed from adjoining residential properties to ensure that dust nuisance is unlikely to present any nuisance to adjoining property owners. Furthermore a review of the complaints database indicates that no dust nuisance complaints have been made during the past five years.

Should the Hearings Committee determine that resource consent should be granted, it is recommended that a condition be imposed on the applicant requiring him to have regard to wind strength and wind direction prior to undertaking boat maintenance or painting activities to minimise the potential for contaminants (including dust) to become offensive or objectionable beyond the boundary of the Consent Holder's premises. It is also recommended that contaminant limits be imposed on the Consent Holder to ensure that any particulate matter which is transported beyond the boundary of the property does not pose any risk to the environment.

Spraypainting : Potential for Health Effects

The activity of boat cleaning and maintenance involves the discharge to air of a variety of paints and thinners which are comprised of a variety of chemicals. In the context of this application, it is the volatile organic compounds (VOC's) that pose the most significant health risk. This is because these chemicals frequently volatilise at normal ambient temperatures and therefore can be transported much further than contaminants in the liquid or solid phase which tend to be deposited relatively close to source due to gravitational settling.

Different paints and thinners consist of different mixtures and concentrations of VOC's. Some of these VOC's pose greater health risks than others. The main VOC's discharged from antifouling paint include xylene and n-butanol whereas the main VOC's discharged from paints in – some of which are more likely to volatilise than others.

In order to assess the potential for these chemicals to pose a risk to human health, the applicant engaged a consultant to undertake computer dispersion modelling in order to predict the maximum one hour concentration of each contaminant beyond the boundary of the property.

TABLE 1: Comparison of Predicted Maximum Chemical Concentration with Relevant Health Guideline

Chemical	Predicted max 1 hour average Ground Level Concentration $\mu\text{g}/\text{m}^3$	Relevant 1 hour Human Health Guideline $\mu\text{g}/\text{m}^3$
n-Butanol	2800	3800 ^a
Ethyl acetate	52	14400 ^b
Ethoxyacetate	56	270 ^b
Isocyanates (TDI, MDI, HDI)	0.022	0.048
Toluene	7.4	1800 ^b
Xylene	1000	3700 ^b

a Texas Effect Screening Level Nov 2007

b Calculated from Workplace Exposure Limit converted from 8 hour to 1 hour average

c Arizona ambient air quality guidelines

A review of Table 1 reveals that the maximum predicted one hour average concentration likely to occur for each contaminant is below the relevant human health guideline indicating that emissions of VOC's are unlikely to present any significant risk to human health.

Spraypainting : Odour

In addition to posing a potential health hazard, a number of VOC compounds also have the potential to cause odour problems. This is due to the volatilisation of the VOC's either during the application – particularly where application utilises sprayers or post-application as the solvents present within the paint volatilise as the coating hardens on the vessel.

Due the nature of olfactory senses, odour effects will manifest themselves over shorter timeframes than the one hour concentrations modelled by the applicant. For this reason, maximum predicted one hour ground level concentrations were converted to three minute concentrations to compare with relevant odour guidelines. The results are shown below in Table 2.

TABLE 2: Comparison of Predicted Maximum Chemical Concentration with Relevant Odour Nuisance Guideline

Chemical	Predicted max 3 minute average Ground Level Concentration $\mu\text{g}/\text{m}^3$	Relevant Odour Nuisance Guideline $\mu\text{g}/\text{m}^3$
n-Butanol	5096	610 ^a
Ethyl acetate	95	65000 ^b
Ethoxyacetate	102	298 ^d
Isocyanates (MDI)	0.04	>0.05 ^d
Toluene	13.5	6000 ^c
Xylene	1820	4500 ^c

a Texas Effect Screening Level Nov 2007

b National Institute for Water Supply (US)

c Canadian centre for occupational safety and health

d United States Environmental Protection Agency

A review of Table 2 indicates that during the application of antifouling paints, it is likely that under specific meteorological conditions, to result in noticeable odours beyond the boundary of the property.

While the meteorological modelling suggests that the extent of these odours is confined to a relatively small area adjacent to the applicant's facilities, I do not consider that the computer dispersion model is able to predict this with sufficient certainty given the proximity to the coastline, the relatively steep topography and the variable winds in this area. Taking into account these uncertainties, it is my opinion that, in the absence of adopting mitigating actions and/or utilising emission control technology, the discharge during the application of anti-fouling could, at times, result in offensive and objectionable odours at or beyond the boundary of the property. The frequency and intensity of these events is likely to be relatively rare but is estimated to occur approximately 3-10 times per year.

In order to mitigate the effects of these odours, it is recommended that, if the Hearings Committee determines that Consent should be granted, a condition should be imposed upon the Consent Holder preventing him from applying antifouling paint when the wind speed is below 0.5 m/s or when the wind is blowing from the north-east, east or south-easterly direction.

Over-spray from the Spray Painting Operation

No assessment was provided on the potential effects of over-spray. Over-spray can affect property at considerable distances from the painting site. However, a review of the complaint database has determined that there have been no overspray complaints from the applicant's property within the past 10 years.

Experience in this industry is that the use of air atomising spray guns is largely responsible for over-spray problems when they occur. The use of airless spray guns greatly reduces the problems. In the absence of any recorded problems in recent times, it is not considered necessary to restrict the type of spray equipment at this time. However, if problems do become apparent in the future, then the proposed review clause should be used to limit the equipment to the use of non-air atomising spray guns. Single hand held aerosol cans would be exempt.

Effects Assessment ends.....

NRC Coastal Monitoring Managers Comments on Current Proposal

From: Ricky Eyre <rickye@nrc.govt.nz>
Date: Thursday, 12 April 2018 at 9:45 AM
To: Melanie Donaghy <melanie@midenvironmental.co.nz>
Subject: RE: Doug Schmuck Application - Dougs Opua Boatyard

Hi Melanie,

Below is a summary of incidents that were linked to the boatyard for the last 6 years, first created as part of a info request and updated for the last year. You'll note a lot relate to air discharges which needs to be tightened up on, and cleaning on the reserve (which isn't of our concern). I've attached an email string with Doug about one of the requests which highlight the issue well and Doug's thoughts on screening.

My recommendations are comments only and will need to be reworded into conditions:

- Ensure all water blasting and sanding is undertaken on a bunded impervious surface of sufficient size to fully collect all water and debris. i.e. needs to be bigger than the boat.
"Impervious" should be concreted as soon as the issues with FNDC are sorted.
- All wastewater from the vessel cleaning will go to tradewaste, and treated (storm)water will only be discharged to CMA once the slipway has been cleaned and debris removed, as soon as practical and at least at the end of the day. There should be a documented process as to how this will be undertaken as its prone for error.
- Spray painting should comply with EPA requirements. Effectively contained booth.
- Screening will be used at all times to ensure air discharges are minimised outside of the impervious surface.
The natural battering of the lowering of the slipway may suffice as screening.
- Move the compliance point for stormwater metals to point of discharge, see Rudolphins condition 6. Sediments and other water quality parameters should be at mixing zone.
This aids monitoring of the discharges and makes it directly applicable to the consent. There are cases, unlikely here, where the background is higher than the mixing zone compliance point despite very high metals at point of discharge.
- Use new dredging condition, see Oceania 23.
50% reduction is for more degraded areas, I recommend 20%. See dredging report in Dropbox.

Hopefully this is helpful and I've covered what I needed to. Feel free to come back with any questions and I'd appreciate seeing the draft conditions.

Cheers.
Ricky Eyre
Coastal Monitoring Manager, Regulatory Services

IRISID	Request Subject	Brief Description	Logged Date	Actions Undertaken	Overall Compliance Status
REQ.588379	Other air incident	Alleged nuisance air discharge	20/02/2018	Not enough evidence to confirm non-compliance. Letter sent to CH.	Unknown
REQ.586450	Other coastal incident	Air discharges during water blasting	4/10/2017	Letter to CH.	Minor non-compliance
REQ.584729	Other coastal incident	Vessels cleaned on esplanade reserve @ Walls Bay, Ōpua	15/05/2017	Enforcement Action – Formal Enforcement	Minor non-compliance
REQ.582035	Coastal discharge	Complaint regarding water blasting @ Walls Bay Esplanade Reserve, Ōpua	29/09/2016	Multiple site visits and letter to consent holder to comply with condition 15c.	Minor non-compliance
REQ.581925	Other coastal incident	Debris from hull cleaning @ Walls Bay Esplanade Reserve, Ōpua	23/09/2016	Multiple site visits.	No non-compliance established
REQ.577803	Coastal discharge	Alleged incidental discharges from boatyard @ Ōpua	27/07/2015	Site visit.	No non-compliance established
REQ.572730	Coastal discharge	Alleged cleaning of vessels on access slipway @ Ōpua	5/02/2014	Site visit.	No non-compliance established
REQ.424334	Other coastal incident	Cleaning of vessels on the esplanade reserve.	3/01/2013	Site visit, letter stating no issues identified.	No non-compliance established
REQ.424209	Other landuse incident	Sanding of barge on esplanade reserve.	26/11/2012	Site visits.	Minor non-compliance not associated with slipway
REQ.424194	Hazardous substances spills and refuse	Dumping of vegetation in CMA.	21/11/2012	No action taken.	Very minor non-compliance
REQ.422981	Other coastal incident	Boats on foreshore undertaking maintenance work.	3/01/2012	No action taken.	No non-compliance established