

Lop Horne 16 Aug

Myra Larcombe 13 Franklin ST. Opua ph 09 402 7459  
NRR APP. 03 9650. 01. 01.

I oppose the application. All work associated with the Boatyard should be carried out on the private boat yard property – not on the reserve nor in the CMA. Why should mudcrete grids even be considered when there is room for all maintenance work to be carried out within the boatyard's boundary?

I strenuously oppose the addition of a private marina that will cause extra traffic in the mandatory fairway that surrounds the mooring area.

There are numerous "consultants" reports that consider the effects of this application will be "minor". I take exception to those comments. Not one person has taken into consideration the historical recreational value of Opua Basin. Nor have they considered the extra traffic generated by a private marina in the fairway that is the main access to the Opua beach and inner moorings. They obviously have no historical knowledge of Walls Bay and the main beach and how valued they are to recreational users. The 4Sight eco assessment states that "this is a well managed facility". What an incredibly ridiculous statement. For years complaints about the misuse of the Esplanade Reserve, the detritus left lying, the spray drift inhibiting the use of the Te Araroa trail and the contamination caused by the B.Y owner continuing to use the reserve as the dominant work place resulted in the OCP taking the problem caused by the boat-yard owner and the FNDC to Court. The Court of Appeal ruled in the OCP's favour. (Advocate Monday p.7). There is a mountain of photographic evidence proving misuse. The 4Sight report should be disallowed.

Comments have been made that the private 5 berth marina is considered appropriate. By whom?

Any commercial activity using the sea bed should be contained south of the wharf and all boat maintenance work should be performed on private B Y land. Leave the basin alone. At the previous hearing I displayed photographs of Opua from 1902 on, showing that the Opua basin Is NOT commercial and never has been, despite Melanie Donaghy's assertion that "the Opua Basin is one of the most modified area in the B O I" which is utter nonsense

It is vital that the mandatory fairway surrounding the mooring area remain clear of unnecessary traffic that will be caused by a marina complex. To access the main beach and inner moorings it is necessary to use the coastal channel instead of having to compete with car ferry.

I taught my grandchildren boating and sailing skills using the coastal fairway to English Bay – a safe and unobstructed course for learners. That needs to remain.

The plan of the Opua basin mooring area clearly shows the fairway surrounding the moorings. I notice that there are 4 moorings off Walls Bay that look as though they are placed in the fairway. Perhaps the NRC could explain how that is permitted.

I reiterate – all work associated with Doug's boat yard should be contained within his own land. Now that he has removed rail spurs and is not able to conduct work on his own property, the reserve should be completely cleared and revert to its historical usage – recreation – picnics – swimming. *Walls Bay  
is the last remaining coastal Reserve left in opua.*  
Myra Larcombe.

*Myra Larcombe*

15-3-2018

Photographic evidence of new vessel being water-blasted on reserve on Monday 13 November at about 6pm. Non compliance with FNDC RC 2000812 condition 13. As can be seen by the evidence, there was no use of 'screens or similar measures'.



This photo (one of many) shows why the Opua Coastal Protection Socy took the FNDC and Doug's Opua Boatyard to Court to prevent the continuing despoliation of Opua's last remaining coastal reserve.

# Coastal group hail ruling

Court of Appeal quashes granting of easements

Imran Ali

**A**court has quashed the Conservation Minister's decision to okay the granting of easements over part of a reserve used by a business to work on boats in the Bay of Islands.

The Court of Appeal's judgment is a win for the Opua Coastal Preservation Society (OCPS) that has been fighting boatyard owner Doug Schmuck since before the Far North District Council first granted him easements in 2006.

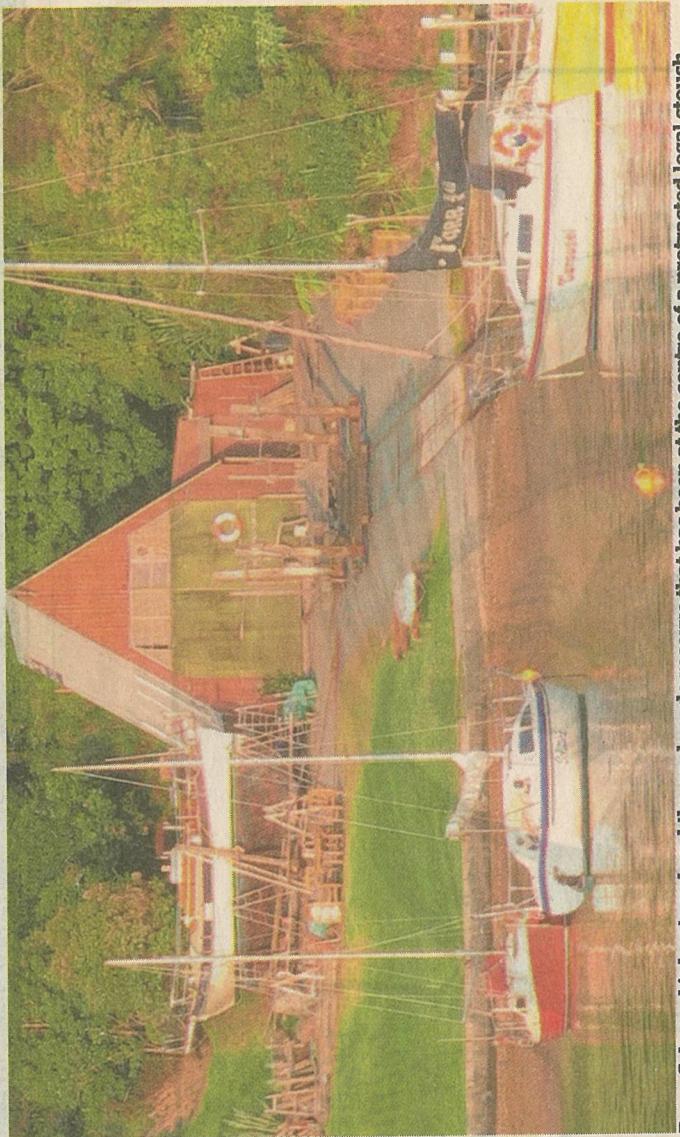
His business has spilled out beyond the boatyard land and on to the Wall's Bay Esplanade Reserve administered by the council.

For many years, he has tried to obtain legal rights to support use of the reserve to store, wash down, repair and maintain boats, and to discharge noise and contaminants.

In August 2013, the Department of Conservation's Conservator, as the minister's delegate, granted easements that allowed the construction of a slipway, storm water and conduit drain, and the movement of boats across that slipway to the boatyard.

He considered easements, allowing boatyard activities or the discharge of contaminants on the reserve, went beyond the scope of the Reserves' Act.

Schmuck issued judicial review



Doug Schmuck's boatyard and the esplanade reserve that has been at the centre of a protracted legal stoush.

Photo / Peter de Graaf

This photo bears no relation whatsoever to present g Station. A s n a f i g t a c c r e b o t s i d e s o f H t h e b o a t s h e d R i h a v e b e e n W h i c h s i s p e r f o r m e d - All maintenance is performed on the reserve

seeking a comment. OCPS chairman Henry Nissen said the judgment was a win for the general public as well as for boaters. "All doubt about who can use the Esplanade Reserve is banished by this judgement which confirms that the future of a boatyard in Walls Bay is safe and that slipway access to the boatyard's own land is secure."

"The boatyard continues to have consent to transit boats across the reserve but we are delighted that it is not permitted to conduct its business on the public's recreational asset."

The minister failed to consider the terms of the resource consents Schmuck obtained that permitted him to discharge contaminants into the reserve, it said.

The Court of Appeal quashed the minister's decision to grant consent to all the easements except two. Schmuck is permitted to discharge contaminants and noise and also allowed construction and maintenance of concrete wash-down area with associated discharge containment systems.

Schmuck did not return a message from the Northern Advocate