

# **NORTHLAND REGIONAL COUNCIL & FAR NORTH DISTRICT COUNCIL**

**Report and Decisions of the Councils, through the Joint Hearings Committee meeting  
held in the Copthorne Hotel, Paihia  
on 11, 12 and 13 August 2014,  
commencing at 10.00 a.m.**

The Joint Hearings Committee (“**the Committee**” or “**the Commissioners**”) of the Northland Regional Council and the Far North District Council was convened to hear resource consent applications lodged by Far North Holdings Limited, C/O Bay of Islands Planning Limited, PO Box 795, Kerikeri relating to dredging, reclamation and construction activities associated with a proposed extension to the Ōpua marina. The applications, made in accordance with the Resource Management Act 1991 (“**the Act**” or “**the RMA**”), were lodged with the Northland Regional Council (“**NRC**”) and Far North District Council (“**FNDC**”) and referenced as NRC Application No’s.:

APP.008385.31.01	APP.008385.32.01	APP.008385.33.01	APP.008385.34.01
APP.008385.35.01	APP.008385.36.01	APP.008385.37.01	APP.008385.38.01
APP.008385.39.01	APP.008385.40.01	APP.008385.41.01	APP.008385.42.01
APP.008385.43.01	APP.008385.44.01	APP.008385.45.01	APP.008385.46.01
APP.005544.12.02	APP.005544.16.01		

APP.008320.06.01 and referenced by the FNDC as RC 2140222-RMALUC

**PRESENT:**

**Joint Hearings Committee**, being independent hearings commissioners, appointed pursuant to section 34A of the Act by the respective Councils to hear and decide the applications, Miria Pomare, Greg Shaw and Alan Watson (Chair).

**APPLICANT:**

**Far North Holdings Limited (“FNHL”)**

Richard Brabant, Legal Counsel  
Andrew Nock, Chief Executive Officer, FNHL  
Gregory Akehurst, Consultant Economist  
Ian Butt, Architectural Designer  
Simon Cocker, Consultant Landscape Architect  
Leigh Johnson, Consultant Archaeologist  
Grant Stevens, Consultant Civil Engineer (Coastal)  
Jon Styles, Acoustics and Vibration Consultant  
Steve Gibson, Consultant Civil Engineer (Traffic)  
Brett Beamsley, Consultant Oceanographer  
Mark Poynter, Consultant Marine Ecologist  
Chris Galbraith, General Manager, FNHL  
Jeff Kemp, Consultant Resource Management Planner.

**SUBMITTERS:**

Kevin Johnson and Peter Trimble  
Jim Ashby  
Ron Cooke  
Janet Clark  
Peter Clark  
Tony Collins for Chamber of Commerce  
Arapeta Hamilton for Karetu Maori Committee, Ngati Manu  
Iwi, Te Uri Karaka, and Te Uri o Raewera Hapū  
Andrew Lush for Ōpua Marina Liaison Committee  
Andrew Lush with Peter Smith as a witness  
Leah Houghton  
Kelly Stratford  
Peter Sharp  
John Martin  
Graeme Bridge

**COUNCIL OFFICERS:**

Paul Maxwell, Coastal Consents Specialist, NRC  
Wayne Smith, Planner, FNDC  
Rex Shand, Engineer, FNDC

**IN ATTENDANCE:**

Nicola Currey, Hearings Administrator.

## 1. DESCRIPTION OF THE PROPOSED ACTIVITY<sup>1</sup>

The purpose of the application to the NRC is to establish a new marina (Stage 2, being an extension of the Stage 1 existing marina) and associated facilities at Ōpua. The new marina facilities are proposed to be located in the coastal marine area (“**CMA**”) of the Taumarere River (or Kawakawa River), extending immediately south of the existing Ōpua marina to the Ashby’s boat yard floating breakwater and pontoon facility.

The application documentation also contains three other applications:

- An application for a change of resource consent conditions under section 127 of the Act for the Ashby Boat Yard Floating Breakwater and Pontoon Facility; and
- An application for an extension to this facility; and
- An extension to an existing stormwater outfall associated with Ashby’s Boat Yard.

A total of 170 new vessel berths are proposed by the marina extension. Three new berths are to be created on the extended Ashby boat yard floating pontoon facility.

The resource consents seek the following:

- To place, use and occupy space in the CMA with the extended marina development. The new marina structure will include an outer breakwater (wave attenuator), four new main marina piers and associated finger piers and their associated piles as well as eight new pile moorings off the end of the proposed Ashby’s floating facility extension to create 170 new berth spaces;
- To reclaim an area of approximately 9,500 square metres (0.95 ha) to provide sufficient area for the establishment of new facilities associated with the marina development. These facilities include a hardstand for boat maintenance (an expansion of Ashby’s boat yard), car parking and three new buildings for use as marina service facilities, commercial retail and for accommodation. The reclamation will have a minimum finished level of 1.1 metres above Mean High Water Spring (“**MHWS**”) tide level.
- Capital dredging of approximately 32,200 cubic metres of seabed within the approximately 6.2 hectares a footprint of the proposed marina development. This capital dredging is required to ensure safe navigable water depth of 2.5 metres below chart datum.
- To deposit dredged spoil in the CMA. The seabed material from the capital dredging is proposed to be used during the construction of the proposed reclamation and will be deposited within the reclamation footprint.
- Consent for maintenance dredging within the proposed marina development is required to maintain safe navigable water depths within the marina of 2.5 metres below chart datum and to enable maintenance dredging on an ‘as required’ basis.

---

<sup>1</sup> Adapted from NRC section 42A report, Section 1.

- Resource consent to place, use and occupy space in the CMA with a seawall approximately 335 metres in length has been sought. The seawall encloses the reclamation and includes four stormwater outlets incorporated into its design. Three of these outlets are associated with stormwater collection from the reclamation car park areas and one from the proposed new hardstand area.
- Resource consents to place, use and occupy space in the CMA with a dinghy dock and public berth facility and a timber walkway and their associated fender piles. The timber walkway extends from the boat ramp along the seaward face of the reclamation to the entrance to Pier J, access to the dinghy dock is from the walkway and access to the public berth is from the walkway adjacent to the boat ramp. These facilities are proposed to provide for access to and from the various marina facilities.
- The application has sought replacement consent for an existing boat ramp currently authorised by resource consent AUT.008385.17.02 and also for an extension to the boat ramp. The existing boat ramp has dimensions of approximately 30 metres long by 12 metres wide and a 4.5 metre<sup>2</sup> extension in width is proposed.
- Consents have been sought to use heavy machinery in the CMA to remove unwanted structures, including 38 swing moorings and 23 pile moorings.
- Additional consent has been sought to place, use and occupy space in the CMA with eight new pile moorings that are proposed to be located adjacent to a proposed extension to Ashby's boat yard floating breakwater and pontoon facility;
- Consents have been sought to place, use, and occupy space in the CMA with the marina footprint with navigation aids that may be required to be erected by the Director General of Maritime New Zealand for the purposes of safe navigation lighting and buoyage and beaconage.
- Consent has been sought to place signage on marina structures located within the footprint of the proposed marina development.
- Several discharges have been proposed by the application including the discharge of stormwater from the proposed marina development structures, and the discharge of stormwater from a reclamation at four locations. The application also seeks consent for discharges to water in the CMA from boat maintenance and associated activities on the new hardstand area on the reclamation; and for any discharges to air associated with boat maintenance activities on the proposed reclamation.

#### **APP.005544.12.02 – Ashby's Boat Yard Floating Pontoon Facility – Section 127 RMA Change to Resource Consent Conditions**

The application includes proposed changes to Conditions 19 and 28 of resource consent AUT.005544.12.01 that authorises the floating pontoon facility associated with Ashby's boat yard. The resource consents for Ashby's floating pontoon facility are due to expire on 31 April 2019.

---

<sup>2</sup> The 1.5 metre extended width of the boat ramp was increased by 3 metres to 4.5 metres as part of the hearing proceedings.

The proposed changes to conditions relate to the amalgamation of two conditions (19 and 28) that relate to the use of the floating pontoon facility to enable a wider range of purposes and uses. Existing Condition 19 limits the use of the pontoon facility to boat maintenance activities. Existing Condition 28 restricts the use of the pontoon facility for permanent berthing. The proposed amalgamated condition (new Condition 19) enables the use of berths on Ashby's boat yard floating pontoon facility for boat maintenance activities and survey work, servicing of vessels with a seasonal or temporary berthing requirement, or for lease to visiting vessels.

#### **APP.005544.16.01 – Alteration to and Extension of Ashby's Boat Yard Floating Pontoon Facility**

The application also seeks new resource consents for an alteration and extension to the existing Ashby's boat yard floating pontoon facility. The proposed extension will incorporate a reconfigured pontoon arrangement which will enable a net increase of three berthing spaces on the facility. The proposal involves the removal of the existing 90 metre long terminal pontoon and the extension of the main pier by an additional 43 metres into the Kawakawa River, terminating in a new breakwater. Five new finger piers will be placed between the breakwater and the existing facility (two new finger piers are proposed to be placed on the southern side of the extended main pier and three new finger piers on the northern side of the extended pier). The extension of the facility will provide for nine new 20 metre berths.

#### **APP.008320.06.01 – Stormwater Outlet Extension**

The proposed marina development requires the extension of an existing stormwater outlet associated with Ashby's boat yard. The stormwater outlet is currently authorised by resource consent AUT.008320.02.02 which expires on 31 May 2033. The proposed extension of the stormwater culvert includes the installation of a new stormwater chamber and extension of the outlet culvert by approximately 23 metres into the Kawakawa River. The extension is located between the existing Ashby's boat yard slipway and the proposed seawall and reclamation.

The regional consents sought are:<sup>3</sup>

<b>Coastal Permits:</b>	<b>APP.008385.31.01</b>	Place, use and occupy space in the coastal marine area with a marina development (including attenuator, piers and finger piers and associated piles).
	<b>APP.008385.32.01</b>	Reclaim approximately 9,500 square metres (0.95ha) of the coastal marine area.
	<b>APP.008385.33.01</b>	Capital dredge approximately 32,200 cubic metres of seabed from within the footprint of the proposed extended marina development.

<sup>3</sup> NRC section 42A report, Introduction.

- APP.008385.34.01** Deposit spoil from capital dredging activities to a reclamation (proposed by Application No. APP.008385.32.01).
- APP.008385.35.01** Maintenance dredging within the footprint of the extended marina development.
- APP.008385.36.01** Place, use and occupy space in the coastal marine area with a seawall, approximately 335 metres in length and four stormwater outlets.
- APP.008385.37.01** Place, use and occupy space in the coastal marine area with a dinghy dock and public berth facility, including floating pontoons, timber walkway and fender piles.
- APP.008385.38.01** Place, use and occupy space in the coastal marine area with an extended boat ramp.  
  
(This consent replaces existing resource consents AUT.008385.17.01 and AUT.008385.23.01).
- APP.008385.39.01** Demolish and remove unwanted structures in the coastal marine area from within the footprint of the extended marina development including 38 swing moorings and 23 pile moorings.
- APP.008385.40.01** Place, use and occupy space in the coastal marine area with eight new pile moorings adjacent to an extension to the Ashby's boat yard floating breakwater and pontoon facility.
- APP.008385.41.01** Place, use, and occupy space in the coastal marine area with navigation aids associated with the extended marina development.
- APP.008385.42.01** Place signs on structures located within the footprint of the extended marina development.
- APP.008385.43.01** Discharge stormwater to the coastal marine area from the extended marina development structures and associated reclamation.

	<b>APP.008385.44.01</b>	Discharge contaminants to the coastal marine area from boat maintenance and associated activities on a hardstand within the extended marina development.
	<b>APP.008385.45.01</b>	Occupy part of the coastal marine area to the exclusion of others.
<b>Discharge to Air:</b>	<b>APP.008385.46.01</b>	Discharges to air associated with boat maintenance activities on a proposed reclamation.
<b>Coastal Permits:</b>	<b>APP.005544.12.02</b>	Change conditions 19 and 28 of existing resource consent AUT.005544.12.01 to enable use of the pontoon berths on Ashby's boat yard floating pontoon and breakwater facility for a range of activities including boat maintenance, vessel servicing and temporary or permanent berthing of vessels.
	<b>APP.005544.16.01</b>	Extend the floating pontoon and breakwater facility associated with Ashby's boat yard.
	<b>APP.008320.06.01</b>	Extend an existing stormwater culvert and outfall (adjacent to the Ashby's boat yard slipway).

The application to the FNDC seeks landuse consent for the use and development of land adjacent to the CMA and for the use and development of land subject to a reclamation proposal<sup>4</sup>. The majority of land based activities proposed under this application will occur within the area of the proposed reclamation. One of the proposed buildings is to be located within an area subject to a previous reclamation consented to under the previously approved marina applications. The remaining two buildings are proposed within the new reclamation.

The three buildings proposed will be mixed use buildings offering commercial uses (including a mix of cafés, retail shops, and potentially an office), marina servicing facilities (primarily laundry and ablutions), and temporary accommodation. Other uses proposed within the development area include dinghy storage rack areas and related uses, public open space, playground, and parking. The public boat ramp is also located within this area as the associated public parking associated with the boat ramp. The primary elements to be addressed in terms of the Far North District Plan (“**District Plan**”) include the use of reclamation land for the proposed development, where section 87B RMA applies, and for traffic movements, parking and stormwater management.

---

<sup>4</sup> Adapted from FNDC section 42A report, Section 2.0.

The applicant, following notification and in response to submissions, slightly modified the location of the proposed buildings within the reclamation area by moving them further back from the CMA and increasing the area of public open space between the buildings and the CMA. The increase in amenity space also sees the introduction of a playground on the northern end of Building N2. The repositioning of the buildings results in a further reduction in the provision of parking and therefore increases the total shortfall of car spaces as required to be provided under the District Plan for the proposed activities.

## **2. REGIONAL AND DISTRICT PLAN RULE(S) AFFECTED**

### **2.1 Regional<sup>5</sup>**

The location of the proposed extended marina development is within an area classified by the Northland Regional Coastal Plan (“**RCP**”) as being a Marine 4 (Mooring and Marinas Management Area) (“**MM4**”). The activity classifications for the resource consents sought by the application have been assessed as if the operative RCP includes the NRC’s decisions on Variation 2 to Plan Change 1 to the RCP. The proposed maintenance dredging activity and the demolition removal of existing structures are both classified as controlled activities and all other activities proposed have been classified as discretionary activities in the RCP. These activity classifications have been accurately described and summarised in the application documentation<sup>6</sup>.

### **2.2 District<sup>7</sup>**

Resource consent is required for the following elements in terms of the District Plan:

- Buildings and activities on a reclamation area that is not currently zoned – see section 87B of the RMA – Discretionary.
- Rule 7.8.5.1.4 Traffic Intensity <200 traffic movements.
- Rule 7.8.5.1.9 Stormwater – does not discharge to an urban system.
- Rule 7.8.5.2.2 Traffic Intensity <500 traffic movements.
- Rule 7.8.5.3.1 Traffic Intensity >500 traffic movements.
- Rule 15.1.6.1.1 Parking (a)(i) – The minimum number of parking spaces for the proposed development is to be provided in accordance with Appendix C of the District Plan.

#### **Notes:**

- (a) The Maritime Exemption Area applies to Building N2 and normal water setback provisions would be applicable to Buildings N1 and N3, however, it is considered that this issue is covered by the “activities and buildings within a reclamation area” and have not been detailed or referenced separately. Matters raised by these water setback provisions are covered within the section 42A report.

---

<sup>5</sup> NRC section 42A report, Introduction.

<sup>6</sup> Ōpua Marina Stage 2 Extension – Resource Consent Applications by Far North Holdings Limited (revised)” dated March 2014 (pages 8-9).

<sup>7</sup> FNDC section 42A report, Section 4.0.



- (b) The proposed stormwater management for the development does not comply with Rule 7.8.5.1.4 but is considered and deemed by the Council's Resource Consents Engineer to comply with rule 7.8.5.2.3.
- (c) The provision of loading spaces as required by Rule 15.1.6.1.1(b) has not been specifically detailed within the application plans. There is, however, considered to be sufficient land and space within the application site to provide the necessary requirement of two loading spaces.

Overall, the application is a Discretionary activity.

### **3. NOTIFICATION AND SUBMISSIONS RECEIVED**

The application(s) were notified on 2 and 3 April 2014 pursuant to section 93 of the Act with submissions closing on 16 May 2014. Prior to notification we record that the applications included some 20 letters in support, largely from operators of businesses in the marine industrial area adjacent to the application site.

#### **3.1 Regional<sup>8</sup>**

One Hundred and Ninety Four (194) submissions were received on the application to the NRC, with 168 in support, four indicating a neutral position and 18 in opposition to the proposal. Some of the submissions that were received were invalid.

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

##### **3.1.1 Submissions in Support**

The main reasons in support of the application were:

- Significant employment – create job opportunities.
- Marina certified a Clean Marina.
- Applicant has taken the time to talk to local groups.
- The proposed facilities will provide better public facilities for other water users and change the current unfinished industrial appearance.
- Some swing mooring owners are affected – the proposal could enable more boats to be moored – improved use of coastal space.
- Significant benefit to Ōpua and surrounding Bay of Islands (“**BOI**”) with minimal environmental impact.
- Provides employment within the local area and job opportunities.
- Applicant has undertaken full and detailed assessment of the economic, environmental, cultural and physical implications of the project.
- Applicant has undertaken consultation widely with interested parties.
- Establishment of commercial businesses and employment in Ōpua.

---

<sup>8</sup> Adapted from NRC section 42A report, Section 3.

- Promotion of Ōpua – number one point of entry for International cruisers.
- Restoration of historic railway between Kawakawa and Ōpua – station close proximity to the Marina extension.
- Positive economic and social benefits.
- Capitalises BOI as Boating Playground of New Zealand.
- If new berth prices competitive – yachts staying in Ōpua will contribute to local economy.
- Employment to area.
- Boat yard to be fully sealed.
- Provides better public facilities for other water users and change the current unfinished industrial appearance to a commercial landscaped environment.
- Development to improve facilities – going to enhance New Zealand Customs Services to operate effectively and efficiently.
- Dedicated berths with pier access for Customs.
- Enhanced haul out storage facilities will assist New Zealand Customs.
- Build other visitor industry activities.
- Extra pump station required.
- Public toilet facilities.
- Rubbish disposal.
- Sewage disposal.
- Upgrading the facilities will increase appeal to overseas yachties.
- Potential to continue visitation from international tall ships.
- Oyster farmers' boat ramp will need to be relocated.
- Public toilets need to be at boat ramp.
- Yard hard sealed for environmental reasons.
- Proportion of money earned – allocated to improving water quality.
- Public boat launching should be made available – free to the public.

Suggested relief by submitters in support if proposal is granted includes:

- Public toilet facilities need to be provided at or near the boat ramp.
- Proportion of money earned should be allocated to improving water quality.
- Public boat launching should be made available – free to the public.
- No dredging material to be deposited within 150 metres of the undersea power cables and no vessels used for any part of the construction may anchor within the areas marked as “no anchorage”.
- Hardstand area to be sealed.
- Provision for “side haul” from existing slipway.
- Extend and redesign fuel dock.
- Area Z3 should allow all tide dinghy access.

- Sediment conditions for dredging activities.
- Establishment of a 'Living Waters' project.
- More recycling.
- Extra pump station required.
- Dedicated berths with pier access for Customs in the Ōpua Marina.

### **3.1.2 Neutral Submissions**

The main matters raised by these neutral submissions were:

- Rubbish accumulation on river bank opposite marina.
- Erosion of seawall on property opposite Ōpua Marina Stage 1.
- FNDC reticulated sewerage system – not coping with current demand.
- Current of sea.
- Concerns over capital dredging and reclamation.
- Opposed until affected mooring holders treated to their satisfaction.

### **3.1.3 Submissions in Opposition**

The key issues raised in opposition to the application were:

- Pollution, rubbish, and effluent.
- Change to tidal flow and hydrography.
- Effects on local residents.
- Bird and marine life being compromised.
- Effects of dredging and sedimentation.
- Concerns over funding of speculative development.
- Token consultation with public.
- Pollution at Ashby's Boat Yard.
- Environmental legacy issues.
- Effects on local infrastructure.
- Harbour management.
- Adverse effects on public access including loss of access.
- Construction impacts on local residents.
- Dust from boat yard.
- Noise.
- Light Pollution and visual pollution.
- Traffic effects – particularly heavy traffic over an extended period.
- Dredging effects on ecosystem and fish.
- Boat maintenance discharges – effects on shellfish.
- Discharge of effluent from boats.

- Effects on Waahi tapu.
- Effects on Mahinga Kai – traditional fishing location.
- Siltation, suspended sediment, sedimentation.
- Traditional access and Waka berths.
- Inadequate Cultural Impact Assessment.
- Conflict with Draft NRC Moorings and Marinas Strategy.
- Inadequate consultation.
- Flawed Economic Impact Assessment.
- Parking not in accordance with the District Plan and in the wrong location.
- Proposed use of buildings for accommodation and retail purposes.
- Community facilities not provided e.g. playground, skate park, community gardens.

## 3.2 District<sup>9</sup>

Ninety Seven (97) submissions were received by the FNDC. In addition four late submissions were received. Of the 97 valid submissions there were 12 opposing the application and 85 in support.

A wide range of issues were raised within the submissions received. Some matters raised within submissions are clearly outside the scope of the RMA and also outside the jurisdiction of the FNDC (i.e. being activities within the CMA whilst some matters fall outside of considerations required to be made under the RMA). General comments that are relevant to both district and regional consents have been retained as they may cover both jurisdictions.

The following is a summary and bullet point description of issues raised:

- The Ōpua Marina is a key facility for the area.
- The proposal will provide employment growth and opportunities.
- The marina (and expansion) is ideally suited to this location.
- Consultation has been undertaken with Iwi and other interest groups; this is reflective in the final design.
- The proposal improves the range of facilities to the local community.
- The proposed marina is of great economic and social importance to the region.
- FNHL need to complete any outstanding works required by previous consents.
- Careful monitoring is important and required.
- The area behind the flour sheds should be turned into a park for everyone's use.
- Ōpua is the northern most port of entry into New Zealand and very important for that reason.
- FNHL have improved the environmental impacts created by the marina.
- Expansion of the marina will benefit the whole community.

---

<sup>9</sup> Adapted from FNDC section 42A report, Section 5.0.

- The proposal will integrate well with the cycleway and the Bay of Islands Vintage Railway.
- The waka berth is an important element.
- The marina will boost the marine and tourism industries.
- The additional capacity for berthing will contribute economically to the area.
- Need to halt trend of people leaving the area (and this proposal will assist).
- The proposal will provide employment opportunities for Ōpua and the surrounding towns.
- Concerns remain (from Iwi) over impacts of Stage 1 and these concerns remain applicable now.
- The economic forecasts are fanciful and optimistic with respect to the expected employment and business turnover.
- The economic risk of the proposal lies with FNHL and the FNDC.
- The architectural style of buildings does not improve the visual amenity values of the existing marina or area.
- The design of the proposed buildings are crude and the visual effects are considered to be more than minor.
- The lack of car park spaces results in effects that are more than minor.
- Question raised over the need for the reclamation and the location of the proposed buildings and car park – more effective ways to achieve this.
- Query regarding the capital cost of the marina.
- There is a lack of a business case for the marina.
- The cultural impact assessment is inadequate with no consultation with Te Kapotai and Ngati Hine.
- Pollution from Ashby's boatyard is an urgent matter that needs to be remedied immediately.
- Dust from boat cleaning activities are already affecting nearby residential houses.
- Environmental safeguards are needed.
- There are environmental legacies from Stage 1 which remain unresolved and not addressed.
- There are concerns over the capacity of local infrastructure to cope with the expansion.
- Improved landscaping and public facilities needed.
- Public access to the wharf and the waterfront is currently inadequate.
- Inadequate consultation undertaken.
- An increase in funding is required for the Ōpua Marina Liaison Committee.
- The facilities proposed will be inadequate.
- There are concerns over adequacy of infrastructure to cope with additional water, sewerage, roading, traffic management, parking, landscaping, and community open air facilities.
- Consultation has been fair.

- A detailed analysis of the economic argument has been undertaken.
- The proposal will significantly foster the establishment of commercial businesses and spin offs for other areas.
- There are mutual benefits with the BOIVRT activities.
- There are traffic concerns relating to the report provided and that the related assessment criteria has not been addressed.
- There is no assessment of impacts on Kellet or Lyon Streets and their users.
- There is a lack of a footpath on Kellet Street.
- There is a conflict with traffic from Ōpua School – pick up/drop off, school cross country, and cycleway users.
- There are queries over the traffic counts and the overall conclusions reached.
- Land ownership dispute.
- Concern over buildings proposed to be located on the reclamation and esplanade.
- The proposal will provide opportunities (employment and business) for future generations.
- Additional parking good for the cycleway and access to rail walk – oppose marina expansion.
- Do not want high density development.
- The quaint lifestyle of Ōpua will be ruined.
- Oppose the parking shortfall and parking area location is not the best position.
- Lower road option should be reviewed for heavy vehicles.
- Query the use of the proposed buildings for retail and accommodation.
- No timeline for construction has been provided.
- The proposed buildings should be deleted from the proposal.
- The impacts of the accommodation units have not been addressed.
- Public reserves are required.
- Free public boat ramp.

#### **4. PROCEDURAL MATTERS**

There were four late submissions received by the FNDC. We heard no reasons from those late submitters regarding why their submissions should be accepted out of time and accordingly did not accept them.

We issued Directions dated 27 June 2014 regarding the pre-circulation of expert evidence from the parties which was duly followed. No expert evidence was presented as part of these Directions by submitters.

The hearing was adjourned on 13 August 2014 for us to consider whether they required further information. That was sought in a Memorandum and Further Directions dated 20 August 2014. The further information from the applicant was received on 3 September 2014. We met in Whāngārei on 15 September 2014 to deliberate. The hearing was closed on 22 September 2014.

## 5. EVIDENCE HEARD

We were each provided with a copy of the applications and all supporting material, the submissions and the section 42A reports from officers of the respective Councils prior to the hearing. We individually visited the site and locality before and during their time at Waitangi for the hearing.

We received and heard evidence from the applicant, expert witnesses, submitters, and the councils' reporting officers. Below is a summary of the evidence, in accordance with section 113 of the RMA. It does not set out to be an all-embracing account of the evidence which is held on the files of the councils. Evidence that is determinative of the decision we have made is referred to in the Main Findings section of this decision report.

### 5.1 Applicant's Evidence (including Legal Submissions)

**Richard Brabant** provided opening legal submissions in which he pointed out the proposal was in order to provide short-term berthing arrangements in order to meet demand; it incorporated an expansion of Ashby's boat yard which will enable more boat maintenance to be carried out; it will bring benefits of an economic nature to the local area; and, it is an extension of an existing marina and boat yard facility, in a location where the coastal waters are zoned specifically for moorings and marinas, backed by an industrial zoned area where the buildings and activities have a focus on maritime activity. Mr Brabant submitted that the applicant's expert evidence is unchallenged by other expert evidence and supports granting of the consents subject to the imposition of conditions.

He addressed the planning instruments with particular regard to the New Zealand Coastal Policy Statement ("**NZCPS**") submitting there was a functional need for marinas to be located on the coast and in the adjoining CMA, that this is an appropriate place for the marina extension and is zoned for that purpose. He said the provisions of the NZCPS were met in relation to reclamation, public open space and discharge of contaminants and similarly in relation to the Northland Regional Policy Statement ("**RPS**"), RCP and the District Plan. The RPS directs potential marina development to coastal developments with the MM4 zoning such as the application site.

In commenting on specific issues Mr Brabant pointed out a Cultural Impact Assessment ("**CIA**") had been lodged with the applications along with reports from Mr Beamsley in relation to hydrology and from Mr Poynter in relation to potential impacts associated with the proposed dredging. He referred to the Archaeological Report from Mr Johnson that established there are no recorded cultural sites that could conceivably be affected by the reclamation work and subsequent development of buildings, landscaping and parking areas.

**Andrew Nock** provided evidence as Chief Executive of the applicant company. He explained the origin of the project with a focus on securing berthage for the many international cruisers given they are currently only able to accommodate approximately 10% of those 460 vessels each year. A similar situation applied in terms of domestic visitors.

Mr Nock detailed the consultation carried out by FNHL including the appointment of Tui Shortland of Repo Consulting to carry out the CIA. He referred to consultation having occurred with local hapū, local Ōpua businesses, the Berth Holders Association, the Ōpua Marina Liaison Committee, the Swing-Mooring Owners, community groups and business groups throughout the district along with presentations to local business associations and business interests and to local residents. He provided some details of the construction detailing how the pre-cast sea wall panels and pontoons would be cast off-site and brought from Auckland and presented a Construction Schedule indicating construction would take place over some 84 weeks.

**Gregory Akehurst** provided evidence addressing the economic impact of the proposal on the district and regional economies. He stated the marina expansion is expected to generate direct and indirect economic effects through expenditure during the construction phase and on an on-going basis for maintenance, repairs, marina fees and increased tourism activity. He identified the high demand for berth spaces by visitors and the number of existing businesses clustered around the marina that rely on it for a share of their livelihood.

The economic impact of the construction expected to equate to a value added impact of (2007) \$14.8 million across the three years of development. Value added impact in the first year of operation is expected to be (2007) \$15.4 million and by 2018, when the marina is fully occupied, the added value impact is expected to be (2007) \$23.2 million. Mr Akehurst saw the proposal representing a good opportunity to generate additional benefit by expanding an existing regional asset to cater for a market that already exists.

**Ian Butt** provided evidence as the architectural designer for the proposed buildings pointing out the applicant had pursued a theme referenced to the design of the original industrial buildings of the area. The traditional materials were timber weatherboards, corrugated steel for roofs and walls and board and batten wall cladding. The new buildings were positioned to screen much of the existing parking area from the new public access and recreation areas, with the extensive landscaping to be at the edge of the marina softening the future parking and hard-stand area. The development is designed to offer opportunities for people who have boats in the marina but it is not exclusive, there is ample public space to the water's edge which is accessible and the ground floor retailing and commercial offerings proposed will address the needs of the general population as well as boaties.

**Simon Cocker** provided evidence as a landscape architect. He had designed the landscape proposals in conjunction with the applicant. In relation to landscape effects, he noted the proposal will result in a change in the form and appearance of the coastal edge but that this would be seen in the context of the existing environment which historically had been significantly modified, will occupy an area of water between the existing marina and the Ashby's reclamation and be marine focused activities. He assessed the landscape effects as being no more than minor. In relation to visual effects, his evidence was that the potential adverse effects would be highest upon the Gamble property at 1 Baffin Street which lies in



close proximity to the application site with other residential properties in the Kellet Street – Baffin Street – Austin Street area being assessed at between low and low-moderate. He assessed natural character as currently being low-moderate and, given the modifications of the application site and locality, he saw the potential natural character effects as being no more than minor.

Mr Cocker highlighted the potential positive effects on amenity that would result from the architecturally designed and themed buildings, the landscaped car parks and open amenity areas, the tree planting and pedestrian promenades.

**Leigh Johnson** provided evidence based upon the archaeological survey and assessment he had carried out. He stated that the area of reclamation has been in existence since the mid-1970s and with the proposal for the most part situated to the east of it, and within the existing sea bed, it is unlikely that sites such as waka landing places and artefacts will be affected. He had observed three archaeological sites being a section of the historic Kawakawa-Ōpua rail line extending along the west edge of the proposal; an area of shell midden in the hill scarp on the south side of the reclaimed bay above the existing car park; and, although not observed, he highlighted the earlier recorded remains of the historic Hills Bay settlement and of the sea bed ballast piles. He concluded that for reasons relating to the deflated and eroded archaeological remains of the shell midden; the condition and nature of the historic railway line; and the modified nature of the ballast heaps that the recommendations to seek an authority to modify these sites from Heritage New Zealand Pouhere Taonga was an entirely appropriate approach by the applicant.

Mr Johnson also provided some response to matters raised in the CIA. In this respect, he effectively contested a number of comments made in the CIA stating the following:

- There is no archaeological evidence of a Pa within the area of the existing marina or the proposal or anywhere in the immediate vicinity.
- The archaeological evidence does support the use of the original Hills Bay inter-tidal zone for the gathering of shellfish by pre and post-contact Maori communities. However, this is not an activity that is likely to have been undertaken since the construction of the railway across the bay in 1884 and not since the reclamation of Hills Bay in the 1970s that covered all areas of the original inter-tidal zone and shell fish beds.
- The archaeological remains in the bay, consisting of the shell middens and terraces, support the earlier occupation of ridges in this location and on the edge of the beach flat but no pre or post-contact Maori settlements of any nature will be affected by the proposal.
- No archaeological evidence of ancient pathways was found in or on the periphery of the application site.
- Given almost all of the area of the extended marina consists of sea bed reclamation and sea bed there is limited potential for the discovery of former canoe landing places, sites where battles took place and for ancient artefacts to be unearthed.

**Grant Stevens** gave evidence as a consulting engineer addressing the design and construction of the marine elements, those being structures, dredging, reclamation, floating elements, and their effects on the local environment. He described how it was proposed to dredge the marina extension site and place the dredging spoil ashore to extend the present reclamation area using a vertical sea wall to retain the dredging spoil. Dredging would be to varying depths to zero to 2 metres with a 0.5 metre average over an area of 65,200 m<sup>2</sup> with a solid volume of material of 32,200 m<sup>3</sup>. Dredging would be by using a long reach hydraulic excavator mounted on a hopper-barge. Mr Stevens said that sounding surveys at the extension site indicated a very low deposition rate, estimated at 5 mm per year averaged over the whole area, and this was supported by the fact that the existing Stage 1 Ōpua marina has not required maintenance dredging since the capital dredging was carried out some 14 years ago. The applications include one consent to authorise future maintenance dredging during the requested 35 year term of the consent.

The total area of reclamation is 9,500 m<sup>2</sup> and the volume capacity is 31,000 m<sup>3</sup>. The dredging is expected to take 160 work days and to extend over 45 weeks within the contract period. The reclamation construction is expected to extend over 70 weeks and to involve 880 truck movements. Given the traffic generation is associated only with placing the drainage layer and the topping, these movements will occur over a maximum of four to six weeks within the contract period. The overall construction of the marina will involve up to 1,000 truck deliveries to give a total of 2,000 truck movements. Spread over the contract this will give a maximum of 56 movements per day for 20 days while delivery of aggregate is in progress. The remaining movements will be spread out over 70 weeks at an average rate of up to four traffic movements per day.

Mr Stevens covered other details relating to reclamation and wave climate and, in relation to navigation, pointed out the water space inside the breakwaters will be freely available for the passage of all vessels traversing the Kawakawa River. He was satisfied that the arrangement of the main access channel and the water depths available will not result in any disadvantage to the upstream swing mooring users. He assessed the proposal against the relevant assessment criteria in the RCP stating:

- Public access and an esplanade strip will be maintained to and along the CMA over the full length of the eastern and northern sides of the reclamation.
- A conventional construction method is proposed in the same manner that has been successfully applied in the construction of other marinas throughout New Zealand.
- The reclamation will be utilised for public open space, new buildings, car parking associated with the marina extension and hard stand areas associated with the boat repair yard.
- The method of dredging by long-reach hydraulic excavator mounted on a hopper barge is well proven having been used in Whāngārei, Ōpua and Kerikeri.
- Experience of previous disposal projects in Northland has shown short-term effects of dredging to have no significant adverse effects.
- While biological communities inhabiting the sea bed within the reclamation and dredged areas will be completely removed/destroyed, water quality will be maintained at a level such that there will be no significant adverse effects outside these areas.

- Cumulative adverse effects are minimised by extending an existing marina into an area already used for mooring.

Mr Stevens concluded the extension will have no more than minor environmental effects noting the recommended resource consent conditions which, for example, seek standards for water clarity, turbidity and suspended solids content in relation to the dredging.

**Jon Styles** provided expert evidence relating to noise and vibration. He discussed the noise limits in the RCP and the District Plan commenting that some improvement could be made to these limits by adopting the more contemporary and useful  $L_{Aeq}$  noise level metric instead of the older  $L_{A10}$  descriptor. The  $L_{Aeq}$  metric is considerably easier for determining compliance and it is accepted in the industry as providing a better correlation between noise level and annoyance in the community. He confirmed that the construction noise limits were practicable to achieve, noting the considerable separation distance between the main works areas and the nearest residential receivers. Notwithstanding compliance being able to be achieved he recommended a condition requiring a Construction Noise and Vibration Management Plan to ensure that noise levels are managed according to best practice.

Mr Styles stated there were no limits controlling vibration in either the RCP or the District Plan and he recommended a condition requiring vibration from construction activities comply with the accepted standard in that respect. In this respect too, he said that with the separation distances available between the nearest buildings not under the control of the applicant and the piling operations, it will be extremely unlikely that compliance with the requirements of the vibration standard would be an issue.

He made several recommendations on further noise mitigation measures to ensure that the best practicable option is adopted, notwithstanding compliance with the proposed noise limits. It was his view that, having read the submissions relating to noise from residential property owners in proximity, the recommendations he had made will deal with their concerns appropriately.

**Geoffrey Gibson** provided evidence as a civil engineer specialising in road and traffic engineering. He provided detailed evidence relating to the calculation of the number of car parks that would be sufficient to provide for the proposal updating his approach from the information included in the earlier application details. The best evidence of current demand at the site derives from a survey carried out during the holiday peak in the Ōpua maritime area in 2009 and 2010. That showed that there is a significant over-supply of parking in the present development. He calculated 354 spaces as being sufficient to service the existing development on the site. Using the data from that survey and information relating to other marinas he assessed the need for 110 car park spaces<sup>10</sup> for the proposed development for a total requirement of 464 parking spaces.

---

<sup>10</sup> The applicant is wanting to provide 111 car park spaces.

Traffic counts on the primary access of Franklin Street showed an average daily traffic volume of 1,938 vehicles per day with a peak hour volume of 273 vehicles. He assessed the proposal as resulting in an additional 602 vehicles per day and an additional 70 vehicle movements in the peak hour. He considered that Franklin Street had capacity to manage that satisfactorily, commenting the effect on Franklin Street will be minor, and further that the intersection of Franklin Street with State Highway 11 had sufficient capacity to accommodate the additional traffic also with only minor effect.

Construction is expected to generate a total of 2,000 truck movements expected to peak at 60 movements per day for 20 days and average four movements per day for 66 weeks given a projected construction period of 70 weeks. He noted the concerns of submitters in relation to traffic on Franklin Street but was of the view that traffic from the proposed development is not expected to have a distribution that differs significantly from the existing traffic as it is similar in nature and that any additional disturbance caused by the proposed traffic will be minor and will not be discernable from the existing traffic.

**Brett Beamsley** is an oceanographer and provided evidence relating to the hydrodynamic and sediment transport capacity modelling he had carried out. His evidence presents output from a calibrated hydrodynamic model of the Bay of Islands and quantifies the potential changes that the proposal may have on tidal flows and sediment transport capacity. He summarised his evidence as:

#### **Tidal Currents**

- Changes in flow outside of the marina area are restricted to the area immediately offshore of the marina within the Kawakawa River. Moderate changes in tidal flows of less than  $0.05 \text{ m.s}^{-1}$  are predicted to occur due to the marina development.
- Minor changes to residual tidal currents of less than  $0.005 \text{ m.s}^{-1}$  are predicted within both the marina area itself and the western channel of the Kawakawa River.

#### **Marina Contaminants**

- Ten-fold dilution is achieved within 1,500 metres south of the marina along the western channel of the Kawakawa River.
- Limited dilution of contaminants occurs between the marina, the Ōpua Wharf and the Ferry Ramp.
- Along the southern shoreline of the Veronica Channel (towards English Bay) tenfold dilution is achieved within 1,300 metres of the wharf.
- Within the Veronica Channel itself and across the Kawakawa River relatively rapid dilution occurs.

#### **Dredge Plume**

- During construction of the marina, sediment plumes from the dredging operation will be transported along the western shoreline of the Kawakawa River towards the Ōpua wharf and Ferry Ramp, and along the foreshore to English Bay.

- The estimated source concentration ( $0.14 \text{ kg.m}^{-3}$ ) is comparable to lower levels of suspended sediment concentrations observed during drought conditions within Veronica Channel and well below the observed suspended sediment concentrations within Waikare Inlet.
- Predicted mean suspended sediment concentrations are well below observed background levels ( $0.1\text{--}0.4 \text{ kg.m}^{-3}$ ) and an order of magnitude less than the average catchment source sediment concentrations.
- During river flood events, suspended sediment concentrations within both the Kawakawa River and Waikare Inlet are likely to increase by a factor of eight compared to the observed dry weather levels of suspended sediment concentrations.

### **Catchment Sediments**

- Model results indicate that overall the proposed development of the marina has a less than minor effect on the nature of the catchment derived sediment delivery to the wider Bay of Islands environs.

### **Marina Sediment Dynamics**

- Sediment deposition near the wave screen to the north of the existing marina is likely to continue at the observed rate (of the order of  $+30 \text{ mm/yr}$ ) with the development of the Stage 2 marina.
- Based on the changes in sediment transport capacity, observed bed level changes within the south-west corner of the existing marina of around  $-10 \text{ mm/yr}$  are likely to be reduced with the development of the Stage 2 marina.
- Within the offshore area of the Stage 2 marina, observed deposition rates averaging around  $5 \text{ mm/yr}$  are likely to continue.
- Directly offshore of the proposed reclamation the observed average bed level changes of around  $5 \text{ mm/yr}$  are likely to continue with the development of Stage 2 marina.
- Immediately north of Ashby's boatyard the observed deposition rate of  $10\text{--}20 \text{ mm/yr}$  is likely to be reduced with the introduction of the reclamation.

**Mark Poynter** provided evidence as an ecologist with particular experience in marine and freshwater ecology and in water quality management. His experience includes involvement with a number of marinas in the Northland and Auckland areas. In this case he had earlier undertaken an ecological and water quality assessment of the marina proposal.

Mr Poynter commented on the limited area of rocky inter-tidal hard shore habitat, the shallow sub-tidal habitat adjacent to that existing sea wall and the physical area of dredging which amounts to some  $6.5 \text{ ha}$ . He saw the impacts on the sea wall and the area adjacent to it as being at most minor. All marine life within the footprint of the area to be dredged would be removed which he assessed as being a more than minor short-term adverse effect given that the area affected is relatively large notwithstanding that the benthic community is typical and not characterised by any notable qualities of biodiversity or rare species. Longer-term this effect can be considered minor as it should be largely reversible. He concluded the ecological effects of the proposal will be minor.

In relation to sediment quality and related construction water quality effects he commented that the bulk sediments to be dredged are unlikely to be polluted with heavy metals or other contaminants given his earlier assessment and there is no significant risk of pollutant releases beyond the works area as a consequence of the dredging programme. Any water quality effects in terms of increased toxicological or bio-accumulation risk from dredging will be minor. He also saw sediment losses from dredging as a water quality consideration in terms of the risk in smothering substrates and biota in adjacent areas, and also in terms of the generation of suspended sediment and turbid plumes. His experience with the initial marina construction was that down-current optical clarity was not significantly different from up-current (background) clarity during excavation operations. Visual water quality changes were minor. He saw the sediment and turbidity risk as low for the proposal taking account of the hydraulic digger method limiting the release and loss to the water column of significant amounts of silt; the intermittent mode of operation of the digger; the shallow water which reduces the time that sediment can be lost from the digger bucket between the sea bed and the barge; and, the good tidal flows and flushing characteristics in the area which quickly dissipate intermittent sediment plumes.

He was of the view that the management of activities as described in the evidence of Mr Galbraith show that the potential for the proposal to cause water quality effects or cumulative effects in all of these respects has been considered and duly provided for. From his consideration of the existing Ōpua marina and other marinas, he pointed out the key finding is that water within and emanating from the proposed marina may sustain a small increase in dissolved and total copper and be elevated relative to background levels. However, because of its hydraulically open and porous configuration, there will be complete flushing with every tide and the potential for dilution beyond the marina is high.

Mr Poynter noted there was no disagreement between his conclusions and that of the NRC reporting officer and he provided some comments on recommended conditions. He observed that monitoring will be in place to verify the scale and significance of any effects. In conclusion he stated that there is some compromise to the environmental quality (ecological and water quality) associated with the proposal but in his opinion the effect is likely to be localised to the marina site and in the context of measurable changes in environmental quality indicators the magnitude of any change will be small and within acceptable limits.

**Christopher Galbraith** gave evidence as the person with the responsibility for operational management of the existing marina and boat yard. He commented on a range of matters associated with the existing marina that included it having achieved “clean marina” status in terms of the New Zealand Marina Operators Association accreditation; that the proposal would continue to make provision for public navigation through the inside of the new marina attenuator; and that the marina is a no-discharge marina with mechanisms and procedures in place to ensure that is the case. He pointed out that management systems are focused on maintaining, and where possible improving water quality and that the marina is currently meeting its consented water quality requirements. In that respect, procedures were also in place to prohibit in-water cleaning of hull anti-foul and to address marine biosecurity risk.

The proposal would provide for an expanded dinghy dock to cover the current excessive demand for that facility. In terms of public amenity there was to be some expanded public access/recreational areas along with a widening of the current boat ramp and an all-tide boat launching pontoon to be installed on its south side to facilitate ease of use. A new 18 metre public berth facility will operate on the south side of the ramp launching pontoon to offer an improved level of service.

Mr Galbraith concluded by pointing out the progressive improvement in management and operational practices that had been carried out at the boat yard. These included machine dry sanding of anti-foul only being permitted with appropriate equipment which has a vacuum dust extraction capability and only allowing hull anti-foul wet sanding on impermeable wash-down services with appropriate containment and management.

**Jeffery Kemp** gave evidence as a planning consultant and the person who had prepared the resource consent applications. He confined his evidence to a consideration of specific issues that had been raised in the section 42A reports and by submitters given he had covered all the relevant details in the application details. He largely agreed with the section 42A reports apart from some conditions.

Mr Kemp provided details on how parking is assessed in the District Plan and the applicant's demand assessment stating there is a surplus of parking spaces within the Ōpua industrial and marina precinct at present. His conclusion was that if the applicant provides 111 new spaces, there will be a surplus of 65 spaces as opposed to any shortfall as suggested by the FNDC's reporting planner. He emphasised the applicant's recognition that there is a need to provide adequate parking for the new facilities and given these circumstances there is no need for a review condition in this respect. He did not consider the proposed buildings and their mix of uses, including the modest number of residential units, in any way conflicts with the community's aspirations in relation to the character of Ōpua or in relation to scale and pointed out a wide range of support facilities is necessary, some of these also being of benefit to local residents.

Mr Kemp largely adopted the reporting on effects on the environment included in the respective section 42A reports and similarly the analysis of the relevant plans. This adoption also recognises he had covered those matters in detail in the application. He concluded with the view that the proposal is consistent with the purpose and principles of the RMA and provided some detailed comments on recommended conditions.

## **5.2 Submitters' Evidence**

**Kevin Johnson, along with Peter Trimble**, reported on the results of an earlier public meeting and the formation of the Ōpua Community Liaison Committee, unsatisfactory meetings with the applicant and stated their opposition to the proposal. Mr Johnson's concerns included the financial situation for ratepayers; consultation with Te Kapotai and Ngati Hine and Hapū; pollution at Ashby's boat yard; environmental legacies issues for the existing marina development; local infrastructure; harbour management; and public access from the water. Environmental concerns related to lack of hard sealing at Ashby's boat yard and dust generation; upriver silting and downriver erosion; pollution enforcement; and erosion of public access to the foreshore. He saw a joint, co-ordinated approach being needed at Ōpua but, in its absence, they were opposed to resource consent being granted.

Mr Johnson also provided details, including photographs, of coastal erosion to a property opposite the marina. Mr Trimble expressed concerns for the activities at the boat yard and for the impacts of traffic upon the School.

**Jim Ashby** of Ashby's boat yard (now under the ownership of FNHL) supported the proposal, stating that issues he had raised on behalf of many mooring owners had been addressed. He referred to its potential social and economic benefits and it providing commercial viability for the adjacent commercial services.

**Ron Cooke** spoke for himself and on behalf of submitters Bateman, Gamble and Begley. He is a long standing resident of the locality and had particular concerns relating to public access and the Ōpua community being ignored. He saw potential difficulties given the proximity to residential properties; limited access; there being no flat land left; a lack of access for the public to the water; continued degradation of the foreshore; and, on-going need for dredging. Mr Cooke ran a youth sailing programme and was concerned with the loss of car parking currently available for it.

**Janet Clark** provided a power point presentation and expressed concerns for sediment build-up from developments such as the existing and proposed marina and further, in relation to the lack of reasonable public access. She saw the need for safe and easy access to be available to dinghy owners such as her wishing to access Ōpua from the coastal waters.

Her concerns in relation to the proposed marina expansion included inadequate infrastructure, traffic, existing monitoring, harbour navigation, environmental impact and degradation, cultural and spiritual impacts and lifestyle impacts. She illustrated these various concerns through a video and photographs and sought that resource consent should not be granted to the proposal.

**Peter Clark** spoke on behalf of the Waikare Taiapure Committee, the Waikare Committee, and the Waikare Marae Trustees and for himself. He had a range of concerns that he considered arose from the existing marina and would be continued by the proposal. These included a loss of fish and shellfish; loss of a foreshore landing place; the identity of Ōpua being taken away by not providing what the community wants; lack of consultation; loss of traditional fishing and kaimoana gathering sites; loss of aquatic birds; lack of accountability for the detrimental effects on the environment; and, a lack of monitoring by the NRC.

**Tony Collins** of the Chamber of Commerce from Whāngārei spoke in support of their 400 members, it being a regional organisation. They were in support of the proposal recognising that it potentially brought benefits to the locality.

**Arapeta Hamilton** spoke on behalf of the Karetu Maori Committee, Ngati Manu Iwi, Te Uri Karaka and Te Uri o Raewera Hapū. He stated that they had opposed the construction of the initial marina on the grounds that it contravened sections 6, 7 and 8 of the RMA in that their traditional rights of rangatiratanga and kaitiakitanga were being trampled on. They had real concerns for water quality being degraded even further as a result of it. He was of the view that the health of the river seemed to be getting worse although he acknowledged that was not just a result of the marina but also from, and the combination of, farming, the sewage plant at Kawakawa and large scale forestry inland. However, this all contributed to the depletion of their traditional food resources.



Effluent disposal was a major concern. He noted the pump-out facility was not always available and there was a need for the NRC to provide closer monitoring of it given the alternative disposal methods. He saw the ancient pathway of the access to the open water being compounded in terms of navigation and their traditional rights being eroded. A passage way needed to be created urgently so they could get through to the open sea without any impediments. Further, the proposal would change the formation of the channel in having an effect on the water flows and currents thereby affecting their ability to navigate it. The dredging would also have a negative effect on the marine species and also affect the shellfish that live within the bays along the river. The proposal to reclaim land from the river did not adequately recognise that the bed of the river is a taonga of their people and should not be interfered with and such dredging and reclamation cuts across their traditional rights.

He pointed out they did not agree with the CIA that had been tabled by the applicant and did not support the information contained in it.

The application to extend the marina would only put more boats into the water at Ōpua and will not alleviate the serious problems that currently exist there now such as pollution, congestion of the waterways, the infringement of traditional navigation and an impact on traditional food resources. In these respects it was seen to be directly contrary to the RMA and to the NZCPS.

**Andrew Lush** appeared as a member of the **Ōpua Marina Liaison Committee** (“**OMLC**”) to represent its views. He said they had met several times to discuss the proposed expansion of the marina with FNHL to endeavour to resolve outstanding issues. He commented firstly on problems with the existing consent condition relating to the OMLC before moving on to concerns with the application itself. These included a lack of consultation to any significant degree; the CIA not fairly reflecting hapū views; the architectural aesthetics and the style of the proposed buildings doing little to improve visual amenity of the marina; how seriously the applicant had examined alternatives to reclaim land for car parking; the widely optimistic figures included in the Economic Impact Assessment; hydrodynamics being the major unresolved issue on the basis of observed changes in tidal patterns that have resulted post-construction of the existing marina and the model not correlating well with changes that have been observed; sedimentation effects being much greater than occurred with the construction of the existing marina; public landing and public access having been clarified but a desire that there be unrestricted access to the piers during hours of daylight; potential difficulty of berthing the waka; and, if approved, the OMLC would seek as a consent condition an increase in the annual grant from the Consent Holder. He confirmed they opposed the proposed extension to the Ōpua marina with the application in its present form.

**Mr Lush** presented a statement on behalf of himself and family in which he challenged the applicant in relation to the hydrodynamics of the proposed development. He specifically challenged the predictions of the model, and the poor correlation between it and observations. He was of the view that his predictions in relation to the current marina had come to pass in that the existence of the marina has significantly altered the tidal patterns, siltation, erosion, and fresh water transport outside the marina footprint in ways that were not predicted by the expert evidence at the time. He sees there being a significant body of anecdotal evidence based on observation that confirms what he predicted. He accepts that it is very difficult to be 100% sure that the observed changes are due to the imposition of the marina into the Taumarere River but believes a pragmatic approach indicates the

observed changes are most likely due to the marina. He detailed changed tidal patterns that have resulted post-construction of the existing marina and particularly changes to both erosion and sand build-up in the bay in which he resides due east of Motutokape Island.

In relation to sedimentation effects, he is of the opinion that pre-construction monitoring is required in order to establish base line ambient water quality contrary to Mr Poynter's advice. He used the example of the Waikare Oyster Waste Recovery project in early 2013 as an example of the NRC being unable to set environmentally sustainable resource consent conditions, nor to enforce those conditions. He was of the view that the lasting sedimentation effects from that project show that substantial and rigorous monitoring is required, and significant efforts may be necessary to prevent turbid plumes from escaping the area being dredged.

He disputed the figures and benefits in the Economic Impact Report and was of the view that little or no weight could be placed on it as a supporting argument for expanding the marina. He also sought unrestricted public access to the piers during the hours of daylight and also questioned whether the proposed reclamation is of the minimum size practicable in terms of the relevant RCP provision. He sought the dredged area be extended outside of the proposed new south eastern breakwater to allow for a navigable channel to the moorings and piles in the Kawakawa River outside and immediately adjacent to that breakwater.

Mr Lush opposed the extension to the marina with the application in its present form and believed there are a number of outstanding issues to be addressed, primarily that of hydrology and stated he would consider working with the applicant to attempt to resolve these issues. In the event that consent was granted he sought appropriate conditions that addressed sea bed bathymetric survey and water clarity monitoring relative to baseline measures before the marina construction commences.

Mr Lush called **Peter Smith of the Waikare Inlet and Orongo Bay Delivery Centre Limited**, the oyster farming representative body, to provide a perspective on the changes that the oyster farmers have observed since the construction of the marina. They are the most significant commercial users of the waters of the Waikare and Waikino Inlets. He commented on the substantial change in the flow of the surface water of the Kawakawa River after the construction of the marina which he considered would be further increased with the proposed extension of the marina. He was concerned with possible effects the proposed extension may have on the Waikare oyster industry and sought a bond be imposed as part of any consent to be refunded provided the growing area had not suffered a change in harvesting criteria or classification during this time. His company strongly opposed any extension to the Ōpua marina because of the high likelihood that such extension will detrimentally effect the growing waters of the Waikare Inlet quite possibly to the extent of forcing the cessation of the industry.

**Leah Houghton** read her earlier submission. She operates an accommodation facility along Franklin Street. In her submission she expressed concerns about traffic on Franklin Street; heavy construction vehicles and the need for mitigation; road safety; car parking shortage; and buildings in the marine area including accommodation. Ms Houghton provided a list of means by which her submission could be met, including mitigation measures.

**Kelly Stratford** spoke to her earlier submission in which she opposed the application for reasons relating to higher concentration of boating; pollution; impacts on tidal flow and hydrography; unsatisfactory consultation with local iwi; and birdlife and aquatic life. Ms Stratford was of the view that consultation with local Maori groups needed to be by way of hui and participation by all hapū members.

**Peter Sharp** provided a statement as a long standing resident of Ōpua, a former officer and board member on the Northland Harbour Board and a member of the Ōpua Marina Liaison Committee as Chairman until 2013. He was particularly concerned about the lack of parking at the Ōpua Primary School and the lack of open space in general for visitors. He was of the view that the safety of children had not been considered in relation to traffic and that with all the development that has happened at Ōpua, there had been little or no consideration to the maintenance and care for Ōpua.

One solution was to close off Kellet Street at its lower end so that car parking could be provided at the bottom and at the top the area of vacant land owned by FNHL could be developed as a car parking area for the School. He was concerned for the rapid deterioration of Franklin Street with the huge increase of traffic upon it and believed an alternative roading arrangement was needed which could be by way of Beaufort Street through the rail corridor exiting at Ashby's boat yard.

**John Martin** stated he was completely in support of the proposal. He operates a business that brings cruisers to Northland and they were in need of additional berths at Ōpua.

**Graeme Bridge** lives on a boat in the area. He provided a statement in which he opposed the application in its present form. He questioned the ability of FNHL to successfully manage the existing marina stating it had a long history of broken promises and some also believe non-compliance with the various resource consents. Mr Bridge was opposed to the application in its present form but stated that should consent be granted all the various matters in the application documents needed to be carried through into conditions of consent.

During that presentation he highlighted the following:

- The unsatisfactory nature of public meetings he had attended.
- The hearing of this application being in progress while the NRC's final marinas and mooring strategy document has not been released.
- All construction traffic must be banned on Franklin Street during school hours.
- The boat yard must be fully sealed before any marina extension works begin.

### **5.3 Supplementary Evidence from the Applicant**

Supplementary evidence by way of rebuttal was provided by some of the applicant's witnesses as below:

**Mr Nock** responded to the evidence by Mr Hamilton stating that the applicant had appointed Repo Consultancy on the basis of a recommendation and they had adopted a professional approach to consultation with tangata whenua in producing a robust and thorough CIA. He stated that the consultation had been carried out with a representative of Ngati Manu, was aware that Mr Hamilton had pointed to omissions in the CIA and that he was open to any additional input by way of an addendum of whatever Ngati Manu required. Further, he would continue dialogue engagement on the cultural design with all hapū who wish to engage with FNHL.

**Mr Stevens** responded to a question regarding what will happen if there is an excess or shortfall of dredging material during the dredging/reclamation construction. He stated that material will be imported either from stockpiled material held by FNHL within 2 km of the site or from the quarry located 5 km from the site on the Kawakawa Road. In the event of an excess, dredgings could be disposed of to land on two other properties owned by FNHL some 2 km to the south of the marina site. Another option is to raise the final level of the reclamation which could provide for up to 5% of the projected dredging volume.

**Mr Akehurst** pointed out that Mr Lush had referred to European work which could not readily be related to the New Zealand Marine Industry which is extremely self-sufficient, with the majority of input manufactured locally and has a high labour content. He saw nothing in Mr Lush's work that made him alter his earlier opinion that the expansion of the Ōpua marina will lead to significant positive benefits for the district and region.

**Mr Beamsley** responded to matters that had been raised in the submissions from Messrs Johnson, Trimble and Lush. He was of the view that the erosion of the rock units around the property of concern to Mr Johnson was not due to the current velocities experienced adjacent to the property, stating those velocities were insufficient to do so. He confirmed that the modelling did consider the effects of the proposal on the wider area to cover the area where changes were predicted. In response to Mr Lush's statement he made a number of points including:

- Calibrated numerical modelling shows the expected changes in current velocities and sediment transport due to the construction of the existing marina are minor and do not extend to Mr Lush's property.
- Sediments deriving from catchment erosion are the major source of sediments accumulating in the marine system in this location, that suggesting that the entire area is experiencing increased sedimentation rates in response to deforestation of the catchment.
- It is the increased sediment supply to the harbour and the dynamic equilibrium of the beach system that is responsible for the sediment accretion/erosion observed in front of Mr Lush's property.
- He expressed the professional opinion that the validation of calibration process of the modelling result in a well calibrated model that accurately accounts for the velocities and tidal fluctuations experienced within the Veronica Channel, Kawakawa River, Waikare Inlet and the greater Bay of Islands region.

He otherwise responded to a number of the details that had been presented by Mr Lush in a manner that he saw countering those concerns.

**Mr Poynter** responded to the statement by Mr Lush. He made a number of points that included:

- Whilst the dredged volume will be about four times that of the Stage 1 existing marina, it is not so much the total dredged volume that is of interest from a water quality perspective but what happens on a daily basis. There will not be four times the intensity of dredging but rather the same or similar scale of dredging as occurred for Stage 1 but the duration will be longer.
- His measurements of horizontal water clarity during Stage 1 were that there was relatively small changes down-current at the nominated mixing zone edge relative to the up-current situation. His observations were that the plume of turbid water moving away from the dredge was relatively confined laterally and was not conspicuous very far downstream from the works area. This was also his experience in observing other similar hydraulic dredges working at other locations.
- Intuitively a baseline of ambient water clarity is sensible but in practice such an approach is not that useful at a location such as Ōpua where the ambient range is large. A collection of background data would result in widely varying values and he could predict that any sampling value collected during the monitoring will almost certainly fall within this ambient range so that in itself is not very helpful. Based on his experience, the losses of sediment from the dredge operation and the ensuing changes in clarity should be at the low end of the visual scale and the locality is naturally turbid and is not in his view a highly sensitive location in that respect.
- He pointed out the Act allows for a reasonable mixing and a mixing zone has been set in relation to the location of the digger at any point in time.

## **5.4 Evidence in Response to Further Information Request**

Further information we had sought was provided by way of additional evidence from some of the applicant's witnesses as below:

**Mr Nock** stated:

- The opportunity has been taken to create greater and/or more convenient public access to the foreshore with the widening of the boat ramp by an additional 3 metres and by extending the floating walkway that accesses the dinghy dock area in a manner that will also create a revised berthing area for waka.
- The 35 metre navigation way on the revised plans has been seen and approved by the Harbour Master, the Berth Holders Association and the Ōpua Cruising Club. It will accommodate pleasure craft and oyster barges.

**Mr Stevens** stated the use of sheet piling to completely bund the dredged area was not considered because of the satisfactory results that have been achieved using long-reach hydraulic diggers and a sealed barge and on account of costs. This method has been shown to have no significant adverse effects on recent dredging projects in Northland and is in turn controlled by a recommended condition of consent relating to water quality.

**Mr Poynter** responded with comments that included the following:

- If the losses from mechanical dredges range from 1% to 5% then that would see a daily loss of between 2 and 10 cubic metres, and more likely the bottom of this range would reflect the Ōpua situation. In the context of the sediment deposition in the wider area, this loss range equates to between 0.34% and 1.7% of the new sediment predicted to be settling in the area annually. He saw this to be of little significance in ecological and water terms.
- A containment option was not necessary in relation to the dredging because observations and water quality monitoring and data from examples such as the upper Whāngārei Harbour dredging confirm minor water quality effects as measured by suspended sediment concentrations upstream and downstream of the operating dredge.
- Further, operating entirely within a contained area means that disturbed sediment held in suspension and fine particles depositing back on the sea bed, remain in the works zone and accumulate for the length of the project. This will retard recolonisation and ecological recovery and also mean there will be a period of higher concentrations of sediment when the area is flushed out with greater implications for down-current water quality and benthic marine life than progressive small-scale release of sediment arising from the proposed method.
- In relation to the use of tanalised piles and tanalised timber beams, he pointed to the accepted practice of the use of copper-chromium-arsenic treated timber and saw no reason from an ecological or water quality perspective that would drive an alternative choice of marina construction methods.

**Mr Gibson** commented on the potential adverse effects associated with large size trucks used to carry the major construction elements onto the site as follows:

- These are the same vehicles that are used at present to deliver the components to Ōpua for construction and maintenance works.
- The vehicles are within the design standards that apply to the State Highways.
- The size of vehicle that is required to make the right-turn from State Highway 11 into Franklin Street and also from Franklin Street into Baffin Street already makes these turns without undue difficulty and mitigation measures could be implemented if any significant concern became apparent.

Mr Gibson provided photographs, tracking curves and a letter from Total Marine Services Limited (Rob Brown) confirming they regularly deliver goods to the Ōpua marina wharf, boat ramp, barge dock and hard stand for construction works in the area using the same vehicles that would be used for the proposal. He also commented that treated timber piles were the most cost and environmentally effective option for the marina installation, that their installation can be enhanced by the addition of a polyethylene sleeve at the installation phase and that the use of hollow spun concrete piles is discouraged, providing reasons for these comments.

**Mr Cocker** addressed the amendments to the landscape plan whereby the dimensions of the public focal area by the waka berth has been increased and re-designed so that it has the ability to form a focus for cultural and other events along with the provision of shade sails over this space which could be removed when required. He had also introduced a series of “scallop” into the boardwalk in order to soften its linearity as well as enabling the creation of a circular garden/seating area at the southern end. He had also sought to increase the variety of plant

species whilst at the same time maintaining the primary theme of pohutukawa, this being a characterising species on the coast in this location. Revised plans were provided showing these details.

**Mr Beamsley** responded by stating the hydrodynamic modelling had been undertaken to specifically address the further information request of the Commissioners relating to the effective increased roughness of the proposed pontoons associated with biological growth and the impact of bunding the area proposed to be dredged on the hydrodynamics and sediment transport capacity of the Ōpua and greater Bay of Islands environs. He commented that a worst case situation of bio-fouling coverage of the proposed pontoons, walkways and wave attenuator show the scale of effects spatially range from minor to moderate and are not expected to significantly alter either the hydrodynamics or sediment transport processes within the wider environs. The largest modifications are expected within the proposed and existing marina environs.

Secondly, while bunding of the area proposed to be dredged would mitigate against the propagation of a plume of sediment beyond the dredged area, it was his expert opinion that bunding of the proposed dredged area would result in fundamental changes to the hydrodynamics and sediment transport processes of the wider area and he could not recommend it as an appropriate technique to mitigate the propagation of a dredge plume.

**Mr Brabant** addressed a number of matters in reply which included:

- An interim decision could be made which granted the consents but with directions from the Committee regarding additional public facilities and associated community engagement;
- Concern for the width of the access channel alongside Pier F was addressed by excluding a berth from the seaward side, noting it reflected an existing situation, and that could also be a condition of consent;
- The environmental fund associated with the existing marina could receive additional input from the marina extension on a pro rata basis in terms of the number of new berths;
- The scope of the Committee's jurisdiction under section 104(1) of the RMA which provides criteria under which to make a decision;
- Treaty of Waitangi claims being beyond the jurisdiction of the Committee;
- Economic viability, noting viability was not a matter for the Committee, nor were commercial and political considerations;
- The existing marina not being a contributor to the sedimentation, the major contributor being land based activities;
- Adverse effects from bad management of vessels being the responsibility of the owners of the vessels and not the marina management, related conditions were outside scope;
- The area is zoned for marinas and moorings;
- Recommended conditions;
- Comments on individual submitters presentations at the hearing.

**Mr Brabant**, in a supplementary closing submission, stated that FNHL accepts more work needs to be done in relation to the public open spaces proposed on the reclamation area and wished to engage with the community in a consultation process in that respect. He said that in the event the Committee concludes that the evidence is sufficient to grant the resource consents sought by the applicant, that a final decision be issued in relation to the regional consents, and an interim decision is issued granting the district consents, but subject to the landscape/urban design issues being the subject of a revised design.

## **5.5 Council's Reporting Officer's Report and Evidence**

Messrs **Paul Maxwell and Wayne Smith** had provided comprehensive section 42A reports regarding the applications to the respective Councils. They both recommended in their reports that consents be granted subject to conditions.

Towards the end of presentations at the hearing they addressed their reports and what they had heard during the course of the hearing. Mr Maxwell confirmed his recommendation although he highlighted some changes he sought to the conditions of the regional consents. He accepted the amended noise conditions from Mr Styles. Mr Smith also confirmed his recommendation and accepted the amended noise conditions from Mr Styles. He spoke to matters including a desire to retain the review condition relating to car parking numbers; the manner in which the Construction Management Plan could address concerns about hours of operation, the School and engine braking; and the Liaison Committee.

## **6. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- (a) Whether the adverse effects associated with hydrodynamics, relating to tidal velocity, sedimentation and erosion can be avoided and/or effectively mitigated.
- (b) Whether the adverse effects on water quality and ecology can be avoided or effectively mitigated.
- (c) Whether adequate consideration has been given to the impact on Maori cultural considerations, being consultation, adverse cultural effects and Part 2 RMA matters.
- (d) Whether the adverse effects associated with construction activities (traffic, noise, vibration); visual, landscape and natural values; traffic and parking; navigation and safety have been satisfactorily addressed.
- (e) Whether there is sufficient public access, facilities and amenity associated with the proposal given it seeks to occupy and use public space.
- (f) How the proposal is considered when regard is given to the New Zealand Coastal Policy Statement, the Northland Regional Coastal Plan, the Northland Regional Policy Statement and the Far North District Plan.
- (g) Whether the proposal merits a grant of consent in terms of sections 104, 104B, 105 and 107 of the RMA.



- (h) Whether the proposal will be consistent with the purpose of the RMA in promoting the sustainable management of natural and physical resources and be consistent with the associated principles in accordance with Part 2 of the RMA.

## **7. MAIN FINDINGS OF FACT**

- (a) **Whether the adverse effects associated with hydrodynamics, relating to tidal velocity, sedimentation and erosion can be avoided and/or effectively mitigated, and similarly, whether the adverse effects on water quality and ecology can be avoided or effectively mitigated.**

For the applicant, Mr Beamsley presented evidence on the expected changes on the hydrodynamics of the adjacent marine area and Mr Poynter presented evidence relating to the proposed ecological impact of the proposal.

Mr Beamsley's evidence was based upon a numerical model analysis of the surrounding marine environs. Numerous coloured charts with indications of changes to tidal flows and sediment transportation were depicted, at various ranges of tide. He was of the view that the proposal would result in little effect on the tidal currents, nor the catchment derived sediment. He expected minor changes to the sedimentation rate north of Ashby's boat yard and bed levels within the south-west corner of the existing marina. Elsewhere, there would be no significant changes.

Mr Poynter's ecological evidence commented on the area immediately affected by the construction and dredging noting that the effects would be minor except within the footprint of the area to be dredged. There would be a more than minor adverse effect in the short-term in the dredged area but, because the benthic community is typical and not characterised by any significant biodiversity, it would be largely reversible in the longer-term to the extent that these effects would then be minor. He addressed the sediment losses from dredging as a water quality consideration but he saw the sediment and turbidity risk as low for reasons including the hydraulic digger method and the good tidal flows and flushing characteristics in the area which quickly dissipate intermittent sediment plumes. Both Messrs Beamsley and Poynter had provided reports with the applications, those reports having been accepted by the NRC officers.

Various submitters provided their views at the hearing that were not consistent with the evidence of Messrs Beamsley and Poynter. Mr Lush said that the construction of the existing marina had resulted in observable changes to the tidal currents, for example, in the bay to the east of Motutokape Island, and changes to the beach in front of his property, being layers of soft mud deposited. He also challenged the calibration and validation of the numerical model used by Mr Beamsley and was concerned that the model did not explain what locals had observed. Mr and Mrs Clark also had concerns with respect to an observed increase in sedimentation after the construction of the existing marina.

Messrs Beamsley and Poynter provided some supplementary evidence responding to some of the concerns raised by the submitters. They pointed out that the major source of sediments accumulating in the marine environment were from land-based activities, including de-forestation in the catchment that was responsible for the observed changes. Further, that based on the construction of the existing marinas and others in Northland, that the losses of sediment from the dredge operation and the ensuing changes in clarity should be at the low end of the visual scale and the locality is naturally turbid and not a highly sensitive location in that respect. We found that they were able to respond satisfactorily to the concerns raised by submitters, noting too the expert nature of their evidence.

However, from the evidence and submitters' presentations we decided to seek further information relating to particularly the fugitive sediment that would be produced during dredging and its potential to settle in the marine environment, noting that the use of sheet piles as a form of bunding could have been investigated in more detail by the applicant. This was addressed in the supplementary evidence of Messrs Beamsley and Poynter and from Mr Stevens, the applicant's engineer.

Messrs Beamsley and Poynter acknowledged there would be changes during the dredging phase of the construction. However they, along with Mr Stevens, stated that sheet piling was not necessary given the satisfactory results that have been achieved from using hydraulic long-reach diggers and a sealed barge and on account of costs.

We find that the hydrodynamic and ecological effects have been satisfactorily addressed in the expert evidence presented with that being based on earlier investigation and reports included with the applications. From that evidence we find:

- There will be changes in tidal flows and sediment deposition but these are not considered significant in the context of this locality.
- There are a number of greater influences affecting the hydrodynamics of the locality including, in the more immediate locality, the Kawakawa River bringing sediment from land based activities.
- Mr Beamsley was able to explain the observations of submitters regarding sedimentation and erosion.
- The escape of sediment during dredging is undoubtedly a concern but the evidence of the applicant based on other projects is that it can be managed and is not to the degree of creating any significant problems.
- The effects of dredging are temporary, only during construction, and maintenance dredging is unlikely to be required based on experience from the existing marina.
- Some ambient survey of water clarity would appear to be useful although Messrs Beamsley and Poynter were of the view that the ambient range is large and the locality is naturally turbid and that monitoring would provide results that were within that ambient range.
- The NRC officers expressed no concerns with the information and evidence provided and recommended some related conditions on the grant of the consents for the proposal.

We find the adverse effects associated with hydrodynamics and on water quality and ecology can be avoided or effectively mitigated.

**(b) Whether adequate consideration has been given to the impact on Maori cultural considerations, being consultation, adverse cultural effects and Part 2 RMA matters.**

The applicant commissioned a cultural impact assessment (“CIA”) to identify potential effects on values as a result of the proposal and to identify appropriate measures to avoid, remedy or mitigate adverse effects of the proposal on those cultural values. The CIA was prepared by Nga Tirairaka o Ngati Hine and is entitled “*Te Moana o Pikopiko-i-Whiti, Cultural Impact Assessment on the Proposed Expansion of the Ōpua Marina*”. The CIA examines the history of the taking of land in Ōpua, followed by a history of the issues associated with the establishment of the existing Ōpua marina. It identifies important cultural values and sites of significance within Te Moana o Pikopiko-i-Whiti and conducts an analysis of the effects of the proposed marina extension on those values.

The discussion in the CIA regarding effects on cultural values is under headers of risks to sites of significance; visual and spiritual impacts; discharges of contaminants into the environment; threats to biodiversity; and altered tidal and sediment patterns<sup>11</sup>. It then lists the following effects<sup>12</sup> identified by Te Roroa Ngati Manu, Ngati Hine and Te Kapotai:

- *An inability to collect kaimoana – issues regarding access, abundance and quality.*
- *The water quality from increased sewage and anti-fouling.*
- *Changing water flow causing erosion and therefore potential impact on migratory species, tidal flow.*
- *Increased sedimentation will lead to destruction of spawning areas by the temperature, heavy metals and depth of sea.*
- *Not knowing where the soil for the reclamation land is coming from.*
- *The swing-mooring incursion will have a negative impact on the environment.*
- *Possible increased threat to biodiversity.*
- *Altered tidal and sedimentation patterns which can have a negative impact on marine life, migratory species and other matters.*

Following that list there are 12 recommendations regarding the potential for avoiding, remedying or mitigating the adverse effects. We provide those recommendations below.

---

<sup>11</sup> CIA, pages 28 to 31.

<sup>12</sup> Ibid, page 33.

Mr Nock detailed in his evidence the consultation that had been carried out which began with regular meetings with Ngati Hine and led to Tui Shortland of Repo Consultants being appointed to carry out the CIA. Mr Nock provided a schedule of meetings to show the engagement with local hapū during the time the CIA was being prepared. Further consultation was in terms of a cultural design workshop in Whāngārei and two trips around the marina and the wider Ōpua basin with workshops in the offices of Repo Consultants before and afterwards. Mr Nock told us:

*“The Cultural Impact Assessment (CIA) was recognised as being a key consideration to enable FNHL to respect and appropriately recognise the history, culture and traditions of local hapū.”<sup>13</sup>*

Two of the four iwi identified as having customary interests in the area of the application appeared in support of their submissions in opposition at the hearing. Ngati Manu (Mr Hamilton) and Te Kapotai (Mr Clark) both opposed the original development of the marina and maintained that their traditional rights of rangatiratanga and kaitiakitanga will continue to be undermined, and water quality will be further degraded, as a result of the proposal to extend the marina.

We heard conflicting views from the applicant and these iwi representatives and on the adequacy of the consultation process and the CIA. As the CIA was identified by FNHL in the evidence of Mr Nock as the key mechanism through which cultural issues are to be addressed, the Commissioners would have thought that input from all iwi to it and its recommendations was critical in order to fully address the cultural issues.

The Ngati Manu and Te Kapotai representatives strongly denied having endorsed the CIA despite the inclusion of their names within it. A third iwi, Te Roroa, appears to have been involved in consultation over the CIA but they did not attend the hearing. Nga Tirairaka o Ngati Hine appear to be the only iwi in support of the application.

Mr Nock's evidence was strongly refuted in the presentations by Messrs Hamilton and Clark. Both maintained that consultation had been inadequate and that their iwi concerns had not been properly addressed in the CIA. While they acknowledged attending a number of consultation hui as outlined in Mr Nock's meeting schedule, they rejected any notion that this constituted support for the CIA or the proposal. They both, separately, highlighted the need for endorsement from their respective hapū/marae before approval could be given for the CIA. Ms Stratford speaking on her own behalf was of the same view. We were told on no uncertain terms that hapū endorsement was never granted. Mr Clark advised that while Te Kapotai had given Nga Tirairaka o Ngati Hine the mandate to carry out the CIA, this did not translate into support for the final CIA report and its recommendations.

The conflicting views between these iwi and FNHL in relation to input to the CIA were unable to be clarified during the course of the hearing as neither Nga Tirairaka o Ngati Hine or Repo Consulting appeared at the hearing. We subsequently found, through the supplementary evidence of Mr Nock, that Ms Shortland was overseas but we would have benefited from

---

<sup>13</sup> Evidence of Andrew Nock, para 19.

someone from her company providing assistance to our understanding on the consultative process and how other iwi had been engaged as part of it. We find this somewhat perplexing, and indeed disappointing, as we expected to hear from the author of the CIA rather than simply receive the CIA with the application. Mr Nock made reference to iwi consultation but was unable to address specific questions from us in relation to the CIA as he was not directly involved in the process.

We find the consultation with iwi to have been ineffective but we cannot find it to have been inadequate given the applicant has sought to engage, has indicated a desire to accept those recommendations in the CIA that can reasonably be adopted and further, to continue dialogue. Apart from the CIA, iwi have been able to lodge submissions and appear at the hearing so that we have heard their respective views.

The 12 recommendations made in the CIA are<sup>14</sup>:

1. *That hapū in conjunction with Far North Holdings Limited (FNHL) co-produce an ecological report that will be a comprehensive document concentrating solely on Te Moana o Pikopiko-i-Whiti and in particular the Ōpua area.*
2. *That hapū, in conjunction with FNHL, co-produce an independent monitoring programme that will be implemented by local hapū representatives outlining what our values and expectations are regarding such matters as bio-security i.e. mosquito fish that eat whitebait near culverts and bridges; and pollution response management.*
3. *That there is a policy on health response and communications with whanau hapū and iwi.*
4. *That there is compliance monitoring included in the monitoring programme regarding sewage and antifouling.*
5. *That a hydrological report be conducted on water flow and the monitoring of impact on migratory species and erosion control.*
6. *Reseeding for local enhancement and monitoring programme of both habitat and species.*
7. *That there is more control over the establishment of new swing moorings within the Ōpua area.*
8. *That FNHL ensures that the land fill for the reclamation and construction of the seawall does not come from Waahi Tapu of any sort.*
9. *That the final design includes one waka berth for each hapū.*
10. *That hapū and FNHL both complete the final design of the proposed marina together.*

---

<sup>14</sup> CIA, pages 34, 35.

11. *That hapū be able to name the new areas according to our own customary practices and historical korero.*
12. *That a Treaty of Waitangi Audit is done on the processes and policies followed by FNHL.*

A range of cultural effects were identified through the CIA and in the statements from Messrs Clark and Hamilton at the hearing. The concerns included water quality, impacts from changed tidal flows, navigation paths, kaimoana gathering, and impacts on shellfish, fish and aquatic birds. We find that the concerns in relation to these effects will be avoided or mitigated by measures included in the application (impacts on water quality, impacts from changed tidal flows) or are unlikely to occur (impact on kaimoana gathering). For some other effects (impacts on shellfish, fish and birds) there is no evidence to support the concerns expressed to us. Again we note the highly modified nature of the application site in relation to some of these potential effects.

We find the potential cultural effects can then be addressed through measures included in the application and by the adoption of a number of the recommendations in the CIA as consent conditions.

The Part 2 RMA matters require regard as part of our consideration and indeed are a key component in relation to Maori. These matters need, in this case, to be considered in the context of the site which lies between two existing marine related activities (the existing marina and the boat yard), is recognised through the RCP as a site for such activities and is a logical place for the marina extension. Marina use of this site would provide for some further consolidation of marine activities in this location thereby taking pressure off other parts of the harbour.

We consider that the interests of Maori can be reasonably accommodated by way of the adoption of a number of the recommendations made in the CIA along with providing for continuing dialogue with the applicant in the construction of the marina and associated facilities. This latter matter can be by way of participation in the Ōpua Marina Liaison Committee which was earlier established to deal with the interests of local parties. There may also be other arrangements between FNHL and iwi, such as the Memorandum of Understanding, that was mentioned in evidence, in relation to cultural design. Provision has also been made in conditions for the continuation of the environmental fund that was established as part of the consents for the existing marina to give practical recognition to kaitiakitanga. The purpose of the fund is to support activities which will lead to an enhancement of the mauri, health and vitality of the Taumarere River and tidal waters in the vicinity of Ōpua. We anticipate that greater opportunities for iwi representation on the Ōpua Marina Liaison Committee and the exercise of kaitiakitanga through the environmental fund will lead to stronger iwi involvement in matters relating to the marina going forward.

We acknowledge the Treaty of Waitangi Claim (Wai 49) that was referred to during the application process. That is a matter to be decided separately of our current RMA considerations. We do, however, see provision for further dialogue as being consistent with the principles of participation and partnership, which are recognised as core principles of the Treaty of Waitangi as expressed through section 8 of the RMA.

We acknowledge the strong representations for Ngati Manu and Te Kapotai and the ineffectiveness of the consultation process from their perspective, but cannot find that the interests of Maori are compromised to the extent that Part 2 RMA provisions cannot be satisfied in terms of cultural effects. Therefore, by including recommendations from the CIA as conditions of the consents and providing for continuing dialogue, we find the adverse effects associated with Maori cultural issues can be avoided or effectively mitigated.

- (c) **Whether the adverse effects associated with construction activities (traffic, noise, vibration); visual, landscape and natural values; traffic and parking; navigation and safety have been satisfactorily addressed.**

### **Construction Activities**

The main concern in relation to construction activities is heavy vehicles using Franklin Street and their interaction with other traffic, residents along and the School.

From the evidence of Messrs Stevens and Gibson, the overall project would require 2,000 truck movements. These would peak at 60 per day over a 20 day period but otherwise, over the balance of the 70 week construction period, would average 4 per day. We observe that the configuration of Franklin Street is not ideal for such heavy traffic movements but be that as it may, it is regularly used by heavy transport operators for port, marina, marine industrial and car ferry purposes. We acknowledge the concerns of submitters, including Mr Trimble for the School and Ms Houghton, but are satisfied that the adverse effects, and any potential safety concerns, can be accommodated through the use of a Construction Management Plan that ensures the movements of these heavier vehicles occur at appropriate times and particularly outside the times of regular drop-off and pick-up at the School. Such construction management plans are a common approach to dealing with effects of this nature and a condition of the consents deals with it accordingly.

Noise and vibration from construction activities was covered in the evidence of Mr Styles. He confirmed that both the accepted standards for construction noise and construction vibration were practicable to achieve, noting the considerable separation distance between the main works areas and the nearest residential receivers. Mr Styles recommended a condition, which has been accepted by us, requiring a Construction Noise and Vibration Management Plan to ensure that, despite the limits set, that noise and vibration levels are managed according to best practice. We find agreement with Mr Styles.

### **Landscape/Visual/Natural Character**

The Committee finds agreement with the evidence of Mr Cocker in all of these respects.

The proposed marina extension will result in the change in the form and appearance of the coastal edge in this location but that has to be seen in the context of the existing environment which has historically been significantly modified. The marina extension will occupy an area between the existing marina and the Ashby's boat yard and will be a similar marine

focused activity. In relation to visual effects, the only potential adverse effects of significance are upon the residential properties located in close proximity to the application site in the Kellet Street – Baffin Street – Austin Street area. Not unexpectedly, some of these properties are oriented to views from their slightly elevated positions to the coastal waters. The proposal would not significantly change any immediate foreground view but the main impact would be on views to the coastal water where some would have that view interrupted, at least in part, by the marina berths and the wave attenuator. Those impacts need to be considered in the context of these residences neighbouring a marine industrial area and a port and, in some cases, in the context of an expansive view. We find both the visual effects and landscape effects to be acceptable. We have no concerns in relation to natural character noting the highly modified nature of the application site and its location between existing developed marine activities.

In relation to visual, landscape and natural character we are satisfied any associated adverse effects are to an acceptable degree.

### **Traffic and Parking**

Franklin Street carries a significant volume of traffic associated with the multiplicity of activities it serves at the port, the existing marina, the marine related industrial activities, the car ferry and other various activities. The evidence of Mr Gibson was that the proposal would result in an additional 602 vehicles per day and an additional 70 vehicle movements in the peak hour. His view was that Franklin Street had the capacity to manage that satisfactorily and he saw the effect on Franklin Street as being minor in nature. Further, he said there would be no difficulties with the intersections of Franklin Street with State Highway 11 and Franklin Street with Baffin Street. Both have sufficient capacity to accommodate the additional traffic with only minor effects.

A number of the submitters expressed concerns about the existing levels of traffic and the desire to see no additional traffic given the deteriorating state of the road and the nuisance value associated with traffic upon it. We find that Ōpua, apart from being an attractive location, is based around its original and existing port facilities which have developed further with the marine industrial activities, the marina and the car ferry. In these respects, it is a busy area and we find the additional traffic can satisfactorily be carried upon Franklin Street and at its road intersections. We acknowledge the suggestions regarding alternative access being arranged to the proposed marina extension, that having been a longstanding suggestion, but it has never occurred largely as a result of the difficult topography. That may be a sound alternative but it is not one that is advanced at this time.

In relation to parking, there is no reasonable alternative to providing that on the reclaimed area with such parking being consistent with the existing use of the earlier reclaimed areas. We accept the evidence of Mr Gibson in relation to the required number of car park spaces and also his evidence, along with that of Mr Kemp, that this is not a matter that requires to be the subject of a section 128 RMA review condition. It is apparent from the evidence that there is a significant over-supply of parking in the present development and even with the 111 car park additional spaces for the



proposal it is still likely that there will be an over-supply of car parking spaces.

### **Navigation and Safety**

During the course of the hearing some submitters expressed concerns that they would need to navigate the river by passing inside the proposed attenuator and it was also highlighted that access narrowed to some 23 metres off the end of the existing Pier F. The applicant indicated that any concerns in that respect would be met by disallowing any berths on the seaward side of the outermost berths on Pier F. From the evidence that is satisfactory and we record that the applicant would be unlikely to be seeking to create any unsatisfactory situation in relation to the ability for both berth holders and those travelling further up-stream/down-stream to be able to safely navigate the channel. Further, Mr Nock confirmed that the plans had been seen and approved by the Harbour Master, the Berth Holders Association and the Ōpua Cruising Club.

Whilst we would prefer to see the access being maintained at approximately 30 metres or more along its entire length we accept that situation which largely arises from the configuration of the existing marina where it meets the proposed extension.

**(d) Whether there is sufficient public access, facilities and amenity associated with the proposal given it seeks to occupy and use public space.**

We were concerned from the outset with the need for greater public access and public facilities associated with the proposal. This is largely on the basis that such proposals to occupy the CMA are proposals to occupy public space largely for the purposes of private benefit and in that respect there is a recognized *quid pro quo* whereby the public benefits from such proposals by way of improved access or facilities.

The application and associated plans showed that the area for the marina extension is currently subject to a degree of restriction and access in that it contains a total of 83 swing and pile moorings and caters for a number of marine industrial activities. It also defines a route which is segregated from the car parking areas and the marine industrial activities. Uncontrolled public access to the finger piers is not intended to be available for safety and security reasons as provision of secure berthing is an important element in attracting long-stay visitors to the facility. Apart from the board walk public areas would be available in front of Proposed Building N1 and alongside Proposed Building N3. These are intended to provide some measure of passive recreation space. The proposal also included a 1.5 metres widening of the existing boat ramp.

In our Memorandum and Further Directions of 20 August 2014 we expressed our concern, and that of submitters, to see that the proposal incorporates greater public benefits in terms of public access and facilities. This point was acknowledged by legal counsel for the applicant who sought additional time to consult with the community and provide a revised plan. The applicant responded in these respects, as detailed in the additional evidence of Mr Nock whereby the boat ramp is now to be widened by an additional 3 metres to provide improved access for both recreational and/or

oyster farmers. Further, the 1.5 metre floating walkway that accesses the dinghy dock area is extended by 1.9 metres to the corner of the reclamation and has then been extended by a further 38.2 metres so that it runs around the front of the reclamation area. This creates a revised berthing area for waka, a better loading and unloading platform and the landing area will be directly below and in front of the public area which can be used as a gathering/meeting area.

Mr Cocker, in his additional evidence, explained how the dimensions of the public area alongside Building N1 had been increased and re-designed so it has the ability to form a focus for cultural and other events. With a radius of some 20 metres the area incorporates terraced steps in the form of an amphitheatre which will serve as seating for performances or for informal use by visitors. It additionally provides shade sails over this space which can be removed as required along with bench seats providing for some containment of this space along its seaward edge. Various public facilities are to be provided in the public spaces and he has introduced a series of “scallops” into the board walk in order to remove its otherwise overly linear appearance.

Whilst as decision makers we may always seek more rather than less in terms of public access and public facilities, we accept what is provided now is reasonable in the circumstances and are content that the applicant has given further thought to it following the hearing process and having heard from submitters. We do, however, include as a condition that uncontrolled public access is available to the piers within the marina recognising that there will not necessarily be a great demand for it and the applicant will have the ability to close that off outside of daylight hours.

**(e) How the proposal is considered when regard is given to the New Zealand Coastal Policy Statement (“NZCPS”), the Northland Regional Policy Statement (“RPS”), the Northland Regional Coastal Plan the Far North District Plan.**

The relevant national document is the NZCPS. The objectives and policies in the NZCPS aim to achieve the purpose of the RMA in regards to the coastal environment. These were addressed in the section 42A report by Mr Maxwell and detailed in the application as referred to by Mr Kemp in his planning evidence. We agree with Mr Kemp that the marina extension is an appropriate development in this part of the coastal environment and that it can be managed sustainably. Mr Brabant submitted, and we agree, that there is a functional need for marinas to be located on the coast and in the adjoining CMA, that this is an appropriate place for the marina extension and it is zoned for that purpose.

We find that the provisions of the NZCPS are met in relation to reclamation, public open space and discharge of contaminants for the various reasons set out above in this decision report. We are also of the view that its provisions are met in relation to tangata whenua in terms of the discussion also contained in this decision report. We note this is also the conclusion of the reporting officer for the NRC.

The objectives and policies of both the operative and proposed RPSs for Northland are of necessity based upon the provisions in the NZCPS. We also find agreement here with Mr Kemp's conclusion that the proposed extension of the marina gives effect to a number of the objectives and policies in the RPS documents relating to use and development in the coastal environment. These provisions are put into effect through the RCP which contains key objectives and policies relating to marinas and moorings which see this location being given an MM4 notation or zoning on the basis that it is considered appropriate for that purpose. The RCP seeks to see provision for marinas in appropriate locations while avoiding, remedying or mitigating the adverse effects of marina construction and operation with amendments introduced through the Variation 1. That includes reducing and restricting the proliferation of moorings within the CMA and integrated management of moorings and associated demands for shore-based facilities and services.

In evidence, Mr Stevens provided a useful assessment of the proposal against the relevant assessment criteria in the RCP addressing a range of matters including public access; construction; use of the reclamation; the method of dredging; and, cumulative adverse effects. His view was that the extension will have no more than minor environmental effects based on the specific location of it and the ability to utilise resource consent conditions which, for example, set specified standards for water clarity, turbidity and suspended solids content in relation to the dredging.

These provisions were addressed in detail by Mr Kemp in the application and also by Mr Maxwell in his section 42A report. Mr Maxwell concluded the proposal and its associated facilities are appropriate at the location and consistent with the objectives and policies of the RCP.

The District Plan focusses on the land based considerations. The key considerations in this case relate to traffic generation, provision of parking and stormwater management. These were addressed in the evidence of the applicant and also in the section 42A report by Mr Smith for the FNDC. Mr Smith is of the view that the key objectives and policies are closely related to the assessment of the effects on the environment of the proposal which are found to be satisfactory, and subject to conditions upon the consents granted to it.

In all the circumstances, we find the proposal to be consistent with the various statutory planning documents to be considered in our assessment of it.

**(f) Whether the proposal merits a grant of consent in terms of sections 104, 104B, 105 and 107 of the RMA.**

Section 104 matters have been addressed above in relation to effects of an adverse nature and the statutory planning documents. Otherwise the proposal would have positive or beneficial effects from providing for:

- short term visitor berths in order to meet demand;
- some expansion of Ashby's boat yard to enable more boat maintenance and related work;
- visitors and local spending;

- improved public access with a widened boat ramp and berth facilities, pedestrian access along the water frontage and public open spaces and planting;
- a logical extension of the existing marina into an adjacent area which is zoned for moorings and marinas and adjacent to an area used for marine related activities.

There are no other matters considered relevant or reasonably necessary to determine the application. In terms of section 104B we have imposed a range of conditions on the consents granted to confirm details included in the applications and/or to ensure potential adverse effects are avoided or satisfactorily mitigated.

Sections 105 and 107 of the RMA, in relation to the discharges, are satisfied by the measures included in the application details and conditions on the consents.

We find the provisions in sections 104, 104B, 105 and 107 of the RMA are satisfied by the proposal.

**(g) Whether the proposal will be consistent with the purpose of the RMA in promoting the sustainable management of natural and physical resources and be consistent with the associated principles in accordance with Part 2 of the RMA.**

We find that the sustainable management purpose of the RMA will be met in terms of the proposal providing for the sustainable management of the natural and physical resources associated with the harbour and existing marine development in this location. It will do so in a manner which enables the community to provide for its social, economic and cultural wellbeing through employment and associated economic activity and by providing for continuing dialogue with iwi interests. We note the large number of letters received in support of the applications from local marine industry operators indicating their view that the proposal is likely to provide a significant contribution to the local economy.

The proposal is appropriately located in an area already developed for marine related activities and we would expect it to sustain the potential of the coastal area and the existing development to meet the foreseeable needs of future generations. The evidence demonstrated that the life supporting capacity of water and ecosystems will be safeguarded through measures included in the proposal which are carried through to become conditions of the consents granted to it. In all respects, the adverse effects on the environment that are likely to arise as a result of the proposal will be avoided, remedied or mitigated to the extent practicable.

In relation to section 6 of the RMA, the proposal is located in a section of the coastal environment which has been highly modified with the actual area proposed for the marina having already been developed for use for pile and swing moorings. It has a low natural character and there would be no effects of any significance upon the natural character of the coastal environment. In addition, public access is to be enhanced by the provision of a floating pontoon for a public berth alongside the existing boat ramp, which in turn is to be widened to provide improved public access to and

from the coastal waters. A timber walkway will extend out from the reclamation and its grassed esplanade strip to further contribute to an improvement to public access along the coast at this location.

In relation to the matters relating to Maori at sections 6(e) and 7(a), we have had particular regard to those interests, noting the opposing views raised by local iwi. However, there is the CIA which was prepared; a number of measures included in the proposal (such as it being operated and maintained as a “no discharge marina”); the adoption of some of the recommendations for the CIA; the Environmental Fund; and provision for continuing dialogue with local iwi through the Ōpua Marina Liaison Committee. In all these respects we are satisfied that we have, as far as practicable, provided for the interest of Maori and the on-going interests iwi will have upon the establishment and operation of the proposed marina extension.

Otherwise, in terms of section 7, the proposal does represent the efficient use and development of the natural resource of this part of the harbour and will serve to maintain and enhance local amenity values and the quality of the environment.

Section 8 requires that the principles of the Treaty of Waitangi are taken into account. We have acknowledged there is a Treaty claim relating to the area in which the proposal is to be located. That is a matter to be decided in another forum but otherwise we are satisfied that by providing for continuing dialogue with local iwi interests that we are having due regard to the principles of the Treaty.

In all the circumstances we find the proposal is consistent with the purpose and principles of the RMA.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

In considering this application, the Committee has had regard to the matters outlined in section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- (a) New Zealand Coastal Policy Statement.
- (b) Regional Policy Statement for Northland.
- (c) Regional Coastal Plan for Northland.
- (d) Far North District Plan.

The proposed activity contravenes section 15 of the Act, and therefore the Committee has also had regard to the matters outlined in sections 105 and 107 of the Act.

These planning documents and provisions of the RMA have been addressed above under our Findings.

## 8.2 Part 2 RMA Matters

In considering this application, the Committee has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act as well as the overall purpose of the Act as presented in section 5. These Part 2 matters have been addressed above under our Findings.

## 9. REASONS FOR DECISION

Our decision is to grant consent subject to conditions, as set out below as a formal resolution. The reasons for the decision below are covered in detail in the decision report above. However, they can be summarised as follows:

- (a) The site is a logical place for the proposed marina extension, it is lying between the existing marina and other boat yard activities. The site and neighbouring area are committed to marine-related activities consistent with the activities that have occurred at Ōpua over a long period of time.
- (b) The range of potential adverse effects of the proposal upon the environment have been considered and found to be acceptable based on measures included in the application details with those measures and other measures being carried through to be conditions on the consents granted to the proposal. These considerations have included regard to effects associated with hydrodynamics, water quality, ecology, construction activities, visual and landscape, natural values, traffic and parking, and, navigation and safety.
- (c) The proposal provides for sufficient public access and public facilities which include for example, widening of the current boat ramp and provision of a public berthing facility.
- (d) The proposal is acceptable in terms of the district planning considerations relating to traffic movements, parking requirements and stormwater management.
- (e) The proposal is consistent with the provisions of the relevant statutory planning documents which include the New Zealand Coastal Policy Statement, the Northland Regional Coastal Plan, the Northland Regional Policy Statement and the Far North District Plan. These documents all have provisions applying to the coastal area within which the proposal is to be situated. Due to the potential adverse effects associated with the marina extension being able to be satisfactorily addressed, the proposal is consistent with these documents.
- (f) The proposal will have a number of positive or beneficial effects. It will provide for visitor berths; local employment associated with construction and operation of the marina; visitors and local spending; and improved public access and public facilities. It will do so in an area which is zoned for moorings and marinas and adjacent to existing marine-related activities rather than being proposed in an area without those features.
- (g) Sections 105 and 107 of the RMA, in relation to discharges, are satisfied by the measures included in the application details and conditions on the consents.

- (h) Regard has been given to the interest of local Maori. A number of the conditions on the consents relate to matters of concern, such as potential pollution and rationalisation of pile and swing moorings. There are also some specific conditions addressing Maori interests including provision for continuing dialogue with Iwi interests.
- (i) The proposal is consistent with the purpose and principles of the RMA, as included at Part 2 of it, insofar as it will provide for the sustainable management of the natural and physical resources associated with the harbour and existing marine development in this location. It is appropriately located in an area already developed for marine-related activities and it can be expected to sustain the potential of the coastal area and the existing development to meet the foreseeable needs of future generations. The adverse effects on the environment that are likely to arise as a result of the proposal will be avoided, remedied or mitigated to the extent practicable. The interests of Maori have been taken into account. In addition, there will be no effects of any significance upon the natural character of the coastal environment, public access to the coastal area is enhanced and the proposal will see the efficient use and development of the natural resource of this part of the harbour and serve to maintain and enhance the local amenity values and the quality of the environment.

## **10. COMMENTARY ON CONDITIONS OF CONSENT**

The conditions imposed on the regional and district consents are largely concerned with avoiding, remedying or mitigating potential adverse effects on the environment. They include measures that are included in the application as well as other measures that are deemed necessary to ensure such adverse effects are maintained at an acceptable level.

In relation to some of those more specific effects, the conditions include a Construction Management Plan which is to address construction traffic impacts upon local residents and also upon the Ōpua Primary School. The conditions also include the “updated” noise provisions as presented in the evidence of Mr Styles.

Counsel for the applicant had sought the deletion of the recommended Conditions 51, 52, and 53 on the regional consents which are conditions intended to control the operational use of vessels berthed in the marina. He submitted these were not necessary on the basis of the commitment of the applicant to ensuring that boat owners using the existing or the new marina will comply with their legal obligations and in turn, that it is inappropriate to include consent conditions controlling the discharge of contaminants from boats occupying marina berths. That was a responsibility of boat operators rather than one for the management of the marina. We have, however, included those conditions. These are matters that in our view need to be brought to the attention of boat operators and marina management in terms of the conduct of people at the marina given the serious implications of those practices not being followed. Further, we find these conditions to be helpful in terms of avoiding, remedying or mitigating the potential adverse effects upon the environment.

Condition 57 requires inspection of the structures associated with the marina facility on a one yearly basis in order to ensure ongoing structural integrity. This is more regularly than the five yearly inspections recommended by the reporting officer for the NRC but is considered more appropriate.

We have found that the review condition sought in relation to the number of car parks to be provided as part of the proposal is not necessary given the evidence we heard in that respect. We do, however, find it necessary that the Consent Holder does not limit access to and reasonable use of the piers by the pedestrian public during daylight hours. We acknowledge the arguments on behalf of the applicant for restricting such public access but are of the view that it is necessary as part of the trade-off for use of this part of the public domain.

A number of the conditions include amendments based on the evidence of Mr Poynter. We observe that those amendments/additions better describe the methods of monitoring to be applied as part of the conditions.

We have included particular conditions relating to the continuance of the Environmental Fund and of the Ōpua Marina Liaison Committee, both established as part of the consents for the existing Ōpua marina. These conditions assist in giving practicable recognition to kaitiakitanga and providing an on-going point of contact between the Consent Holder and the community. We see these conditions as important particularly in the context of evidence we heard from submitters.

The Construction Management Plan condition and the updated noise provisions are carried through into the district consent where relevant and appropriate. In addition, the conditions for the district consent include the detailed landscape provisions that are associated with the formation of the public areas to be available as part of the proposal.

Finally, where appropriate, there are review conditions included as part of the consents.

## **11. JOINT HEARINGS AND DECISIONS**

The applications to the Northland Regional Council and to the Far North District Council were heard jointly by the Committee appointed by those Councils. The applications were also jointly decided, in accordance with section 102(3) RMA, with this overall decision report being prepared by the Joint Hearings Committee. At the end of the decision report are separate formal decisions for each Council with those decisions setting out the resolution and the conditions of consent that each Council has the responsibility for administering. That responsibility includes the monitoring and enforcement of the conditions of the respective consents. In accordance with section 102(4) RMA, the administrative charges associated with each Council's consent(s) shall be the responsibility of each Council respectively



.....  
A R Watson  
Chairperson of the Hearings Committee  
6 October 2014



## DECISION OF THE NORTHLAND REGIONAL COUNCIL

Pursuant to sections 104, 104B, 105, 107 and 127 of the Resource Management Act 1991, the Committee, acting under delegated authority from the Northland Regional Council, **GRANTS** consents to Far North Holdings Limited, subject to conditions, to carry out the works and activities listed below, with the conditions being imposed pursuant to section 108 of the Act, all in order to provide for the establishment of a new marina and associated facilities as an extension to the existing marina at Ōpua.

The consents listed below are to carry out the following activities associated with the Ōpua Marina (Stage 2) Development in the Taumarere (Kawakawa) River, Ōpua between at or about location co-ordinates 1701873E 6091351N and 1701704E 6091015N.

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

### Coastal Permits:

- |                         |   |
|-------------------------|---|
| <b>AUT.008385.31.01</b> | Place, use and occupy space in the coastal marine area with a marina development (Ōpua Marina (Stage 2) Development) (including an attenuator, piers, finger piers and associated piles). |
| <b>AUT.008385.32.01</b> | Reclaim approximately 9,500 square metres (0.95 ha) of the coastal marine area.   |
| <b>AUT.008385.33.01</b> | Capital dredge approximately 32,200 cubic metres of seabed from within the footprint of the Ōpua Marina (Stage 2) Development.  |
| <b>AUT.008385.34.01</b> | Deposit spoil from capital dredging activities to a reclamation.  |
| <b>AUT.008385.35.01</b> | Maintenance dredging within the footprint of the Ōpua Marina (Stage 2) Development.   |
| <b>AUT.008385.36.01</b> | Place, use and occupy space in the coastal marine area with a seawall, approximately 335 metres in length, and four stormwater outlets.   |
| <b>AUT.008385.37.01</b> | Place, use and occupy space in the coastal marine area with a dinghy dock and public berth facility, including floating pontoons, timber walkway and fender piles.                        |
| <b>AUT.008385.38.01</b> | Place, use and occupy space in the coastal marine area with an extended boat ramp.  |
| <b>AUT.008385.39.01</b> | Demolish and remove unwanted structures in the coastal marine area from within the footprint of the Ōpua Marina (Stage 2) Development including 38 swing moorings and 23 pile moorings.   |
| <b>AUT.008385.40.01</b> | Place, use and occupy space in the coastal marine area with eight new pile moorings adjacent to an extension to the Ashby's Boatyard floating breakwater and pontoon facility.            |
| <b>AUT.008385.41.01</b> | Place, use, and occupy space in the coastal marine area with navigation aids associated with the Ōpua Marina (Stage 2) Development.   |
| <b>AUT.008385.42.01</b> | Place signs on structures located in the coastal marine area within the footprint of the Ōpua Marina (Stage 2) Development.   |

- AUT.008385.43.01** Discharge treated stormwater to the coastal marine area from the Ōpua Marina (Stage 2) Development structures and associated reclamation.
- AUT.008385.44.01** Discharge contaminants to the coastal marine area from boat maintenance and associated activities within the Ōpua Marina (Stage 2) Development.
- AUT.008385.45.01** Occupy part of the coastal marine area to the exclusion of others.

**Discharge to Air:**

- AUT.008385.46.01** Discharges to air associated with boat maintenance activities.

The Consent Holder is Far North Holdings Limited, T/A Ashby's Boat Yard, PO Box 7, Ōpua 0241.

## **REASONS FOR THE DECISION AND COMMENTARY ON CONDITIONS OF CONSENT**

The reasons for the decision are included in the Decision Report of the Joint Hearings Committee of the Northland Regional Council and the Far North District Council appointed to hear and decide the regional and district consents associated with the proposal. We also provide some comments on the conditions of consent following those reasons.

Pursuant to section 108 of the Resource Management Act 1991, the consents are subject to the following conditions:

**General Conditions: The following conditions apply to all resource consents**

- 1 These consents apply only to the reclamation, structures and facilities and dredging areas identified within the area identified as the "Proposed Stage 2 Boundary" on the **attached** Far North Holdings Limited plans entitled:
  - (a) *"Proposed Ōpua Marina Stage 2 Plan"*, Job Title: Ōpua Marina Stage 2 Extension, Drawing Title: Ōpua Marina Stage 2 Application, Project No. 3014, Rev. v3.0 rev.2, Sheet No. 04, dated 07/07/2014 (*This plan is also referenced as Northland Regional Council Plan No. 4538*); and
  - (b) *"Proposed Dredging and Reclamation Plan"*, Job Title: Ōpua Marina Stage 2 Extension, Drawing Title: Ōpua Marina Stage 2 Application, Project No. 3014 Rev. v3.0 rev.2, Sheet No. 05, dated 07/07/2014 (*This plan is also referenced as Northland Regional Council Plan No. 4539*).
- 2 The Consent Holder shall at least two weeks prior to any dredging, demolition or construction works commencing on the marina provide a procedure for dealing with oil spills that may occur during construction or operation of the marina to the Regional Harbourmaster for Northland for his approval.
- 3 The Consent Holder shall at least one week prior to each stage of the marina's dredging, demolition or construction work contact the Regional Harbourmaster for Northland to initiate the issue of any Notice to Mariners regarding navigation warning arising from marina construction activities.

- 4 The Consent Holder shall ensure that copies of these consents are provided to the persons who are to carry out the marina construction or dredging activities. A copy of the consents shall be held on site, and available for inspection by the public, during the construction and dredging.
- 5 The Consent Holder shall ensure that an oil spill kit, appropriate to the plant and equipment being used during the construction or dredging, is provided and maintained on-site during the works.
- 6 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 and local Iwi. 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 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 New Zealand Pouhere Taonga. The Heritage New Zealand Pouhere Taonga "Accidental Discovery Protocol" has been **attached** for information.*

- 7 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 of the steps taken or being taken to effectively control or prevent such escape.

In regard to 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 Council's Environmental Hotline shall be contacted.

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

- 8 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 these consents annually during the month of May for the following purposes:
  - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consents and which it is appropriate to deal with at a later stage.
  - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

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

**Advice Note:** *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 any time for the following purposes:*

- (a) *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*
  - (b) *To provide for compliance with any relevant national environmental standards that have been made; or*
  - (c) *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.*
- 9 Prior to the expiry, cancellation, or lapsing of each consent, the Consent Holder shall remove all structures and other materials and refuse associated with that consent from the consent area, and shall restore the consent area to the satisfaction of the Council, unless an application for a replacement consent has been properly made beforehand.
- 10 For the purposes of the lapsing provisions of section 125 of the Act, these consents shall not lapse until their expiry date.

**The following conditions apply only to the Coastal Permits:**

**APP.008385.33.01 – Capital Dredging**

**APP.008385.34.01 – Spoil Disposal**

**APP.008385.35.01 – Maintenance Dredging**

- 11 These capital and maintenance dredging consents apply only to the dredging areas identified on the **attached** Far North Holdings Limited plan entitled “*Proposed Dredging and Reclamation Plan*”, Job Title: Ōpua Marina Stage 2 Extension, Drawing Title: Ōpua Marina Stage 2 Application, Project No. 3014, Rev. v3.0 rev.2, Sheet No. 05, dated 07/07/2014 (*also referenced as Northland Regional Council Plan No. 4539*).
- 12 The depth of capital dredging and any subsequent maintenance dredging shall not exceed 2.5 metres below chart datum.
- 13 All dredged material shall be disposed of into the reclamation authorised by AUT.008385.32.01 or onto land at a location authorised to take such material. Maintenance dredging shall not take place more frequently than every five years except when infilling by sediment causes the average channel depth to shallow to 2.0 metres (or less depth) below chart datum beforehand.

- 14 The Consent Holder shall notify the Council's Monitoring Manager in writing of the date that capital dredging and each maintenance dredging operation is intended to commence, at least two weeks prior to that dredging operation commencing. The Consent Holder shall arrange a site meeting between the principal contractor and the assigned Council monitoring officer at least five days prior to commencement of dredging.
- 15 The Consent Holder shall notify the Council's Monitoring Manager in writing as soon as capital dredging is completed, and on completion of each maintenance dredging operation.
- 16 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 17 No discharge of wastes (e.g. sewage, oil, bilge water) shall occur from any vessel associated with the exercise of these consents.
- 18 Dredging shall only be carried out between 21 February and 18 December by a barge-mounted hydraulic excavator.

***Advice Note:*** *The time period recognises the main holiday period during December and February.*

- 19 All dredged spoil shall be fully contained whilst being transported to the disposal site.
- 20 Noise levels associated with the exercise of these consents shall not exceed those set out in Schedule 1, **attached**.
- 21 Dredging shall only be carried out between 7.00 a.m. and sunset or 8.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays.
- 22 Notwithstanding any other conditions of these consents, any discharge arising from dredging shall not cause the water quality of the receiving waters, as measured at or beyond a 100 metre radius mixing zone from the dredger, to result in, or fall below any of the following standards:
  - (a) The visual clarity, as measured using a black disk or secchi disk, shall not be reduced by more than 20% 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 20% 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) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances.

If at any time water quality falls outside of the standards outlined in this condition, dredging shall stop immediately and shall not re-commence until changes are made to the dredging methods and procedures that ensure the standards are met.

- 23 The Consent Holder shall carry out monitoring of dredging activities in accordance with Schedule 3, **attached**.
- 24 Within one month of completion of capital and each maintenance dredging respectively, the Consent Holder shall, in writing, notify:

Nautical Information Advisor  
Land Information New Zealand  
PO Box 5501  
Lambton Quay  
Wellington 6145

Maritime New Zealand  
PO Box 27006  
Marion Square  
Wellington 6141

Far North District Council  
Private Bag 752  
Kaikohe 0440

Northland Regional Council  
Private Bag 9021  
Whāngārei Mail Centre  
Whāngārei 0148

The Consent Holder shall include a bathymetric plan of the completed dredged area with the notification to each of the above parties.

- 25 The bathymetric plan shall indicate the capital and maintenance dredged areas by shading or similar identification and shall show the positions of channel marks. The datum used for the bathymetric survey shall be the applicable Chart Datum at the site.

The bathymetric survey shall be carried out at or better than the following specifications:

- (a) Sample rate: Maximum of 2 Hz.
- (b) Survey line spacing: Maximum of 20 metres, located perpendicular to the dredged channel.
- (c) Accuracy: RTK-GPS or similar methodology that can provide equivalent or higher accuracy.
- (d) Datum: Datum 2000, NZTM projection, with elevations referenced to OTP1964 vertical datum or Chart Datum.
- (e) Data Supply: ASCII X, Y, Z file in csv format.

A copy of the ASCII X, Y, Z file, referred to in (e) above shall be provided to the Council at the same time as the bathymetric plan.

**The following conditions apply only to the Coastal Permits:**

**AUT.008385.31.01 – Marina Structures**

**AUT.008385.32.01 – Reclamation**

**AUT.008385.36.01 – Seawall and Stormwater Outlets**

**AUT.008385.37.01 – Dinghy Dock and Public Berth Facility and Timber Walkway**

**AUT.008385.38.01 – Extended Boat Ramp**

**AUT.008385.39.01 – Demolition and Removal of Unwanted Structures**

**AUT.008385.40.01 – New Pile Moorings**

**AUT.008385.41.01 – Navigation Aids**

**AUT.008385.42.01 – Signs**

**AUT.008385.45.01 – Exclusive Occupation**

## Marina Construction and Demolition of Unwanted Structures

- 26 The Consent Holder shall retain a Chartered Professional Engineer with appropriate experience to supervise the development of the detailed design and the construction of the marina.
- 27 Prior to commencing construction of the marina structures and reclamation, the Consent Holder shall provide the Council with a statement, which may be part of a producer statement under the Building Act 2004, signed by the Chartered Professional Engineer who supervised the development of the detailed design and the construction, describing the works to be constructed and stating that the particular works have been suitably investigated and properly designed in accordance with good engineering practice.
- 28 The Chartered Professional Engineer referred to in Condition 26 shall provide written certification to the Council that the position of the seaward edge of the reclamation is fully in compliance with the plans approved by this consent.
- 29 The Ōpua Marina (Stage 2) facilities and structures authorised by these consents shall, in addition to the plans listed in Condition 1, be constructed in general accordance with the **attached** Far North Holdings Limited plans entitled:
- (a) *“Existing and Proposed Service Facilities”, Job Title: Ōpua Marina Stage 2 Extension, Drawing Title: Ōpua Marina Stage 2 Application, Project No. 3014, Rev. v3.0 rev.2, Sheet No. 07, dated 07/07/2014 (also referenced as Northland Regional Council Plan No. 4540);*
  - (b) *“Proposed Dinghy Dock and Public Berth Plan”, Job Title: Ōpua Marina Stage 2 Extension, Drawing Title: Ōpua Marina Stage 2 Application, Project No. 3014, Rev. v3.0 rev.2, Sheet No. 08, dated 07/07/2014 (also referenced as Northland Regional Council Plan No. 4541);*
- and the **attached** NCC Consulting Engineers Plans entitled:
- (c) *“Far North Holdings Limited Ōpua Marina Stage 2 – Reclamation, Proposed Treatment Areas”, Job No. 1184, Client Ref. XXXXXX, Sheet No. S2 R0, Rev. Drawing Status – Draft, dated 11/07/14 (also referenced as Northland Regional Council Plan No. 4542); and*
  - (d) *“Far North Holdings Limited Ōpua Marina Stage 2 – Reclamation, Hardstand Stormwater System”, Job No. 1184, Client Ref. XXXXXX, Sheet No. S3 R0, Rev. Drawing Status – Draft, dated 11/07/14 (also referenced as Northland Regional Council Plan No. 4543);*
  - (e) *“Far North Holdings Limited Ōpua Marina Stage 2 – Reclamation, Car Park Stormwater System”, Job No. 1184, Client Ref. XXXXXX, Sheet No. S4 R0, Rev. Drawing Status – Draft, dated 11/07/14 (also referenced as Northland Regional Council Plan No. 4544);*
  - (f) *“Far North Holdings Limited Ōpua Marina Stage 2 – Reclamation, Design Services Plan”, Job No. 1184, Client Ref. XXXXXX, Sheet No. S5 R0, Rev. Drawing Status – Draft, dated 11/07/14 (also referenced as Northland Regional Council Plan No. 4545).*
- 30 A copy of any building consent (including approved plans) issued by the Far North District Council in respect of the marina structures or facilities, shall be provided to the Council’s Monitoring Manager at least two weeks prior to the commencement of construction.

- 31 The Consent Holder shall mark the southern end of the outer breakwater with the number **8385(31)** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the sea.
- 32 The Consent Holder shall notify the Council's Monitoring Manager in writing of the date construction is intended to commence, at least two weeks beforehand. The Consent Holder shall arrange a site meeting between the principal contractor and the assigned Council monitoring officer at least five days prior to commencement of construction.
- 33 The Consent Holder shall exercise these consents during construction in a manner which ensures that during construction activities, other than dredging, the quality of the receiving waters, at any point 20 metres outside of the "Proposed Stage 2 boundary" always meets the following standard:

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.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

- 34 All vehicles or equipment entering the coastal marine area associated with the exercise of these consents shall be in a good state of repair and free of any leaks e.g. oil, diesel etc.
- 35 The Consent Holder shall minimise contamination from dredging decant water during reclamation construction by constructing and maintaining silt detention ponds, or carrying out other silt control measures, such as use of geotextile fabric, as are necessary to prevent the discharge of sediment (suspended solids) in excess of 100 grams per cubic metre to the coastal marine area.
- 36 The reclamation shall be constructed in such a manner that prevents the escape of any reclamation material, other than decant water, to the coastal marine area outside of the reclamation.

### Construction Management Plan

- 37 The Consent Holder shall submit to the Council, at least 15 working days prior to the commencement of works associated with this consent (including dredging), a detailed construction management plan to be implemented and maintained for all activities related to the activities that are the subject of this consent.

The construction management plan shall specify, but not necessarily be limited to, the following matters:

- (a) A construction timetable.
- (b) Site management, including details of:
  - Site access.
  - Storage of fuels and lubricants so as to avoid the discharge of contaminants from spillage.



- Maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants.
  - Confirmation that no equipment or machinery is cleaned, or refuelled in any part of the coastal marine area, except for machinery operating on the barge that may require refuelling.
- (c) Methods to minimise discolouration of the coastal marine area during construction and dredging activities.
- (d) Methods to ensure compliance with noise standards.
- (e) Methods to remedy any disturbance to the foreshore during works.
- (f) A contingency plan in the event that there is any discharge to the coastal marine area.
- (g) Measures to provide for public safety.
- (h) A Construction Traffic Management Plan, prepared in consultation with the New Zealand Transport Agency and the Far North District Council, which shall include, but not by way of limitation, specific details relating to avoiding, remedying or mitigating any adverse effects of:
- Machinery during site works.
  - Proposed numbers and timing of truck movements throughout the day and the proposed routes including the identification of heavy vehicle routes.
  - Safe and clear pedestrian access and thoroughfare on roads and footpaths adjacent to the site.
  - Storage of materials and loading and unloading of equipment.
  - Construction traffic on local residents by avoiding traffic movements before 7am and after 8pm.
  - Construction traffic on the drop-off and pick-up times at the Ōpua Primary School by avoiding traffic movements between 8.45 a.m. and 9.15 a.m. and between 2.30 p.m. and 3.30 p.m., or alternative times as may be agreed with the School authorities.
- (i) Measures to address biosecurity.

## **Biosecurity**

- 38 Prior to construction commencing, the Consent Holder shall lodge a Biosecurity Management Plan (BMP) with the Council's Biosecurity Manager. The BMP shall address measures to avoid the introduction of any unwanted or risk species through the use of construction plant and equipment which is to be bought to the site from other locations. The BMP shall include details regarding the cleaning and inspection of machinery and plant brought into the Bay of Islands and on staff training, monitoring and reporting mechanisms.

Prior to the first use of any introduced construction plant and equipment as referred to above, the Consent Holder shall arrange inspection of the same for infestation of any unwanted or risk species and certification of it having been treated and inspected as required by this condition by a suitably qualified and experienced person. A copy of this certification shall be provided to the Council on request. The Consent Holder shall not allow any construction plant and equipment under its control or direction associated with the proposal to be used that is not certified as having been treated and inspected as required by this condition.

The BMP shall have the following objectives:

- To avoid the introduction of any unwanted or risk species into the Bay of Islands in the construction phase of the development;
- To ensure effective treatment of all construction plant and equipment used in association with the construction phase of the development to ensure it does not become a vector for the spread of any unwanted or risk species; and
- To set out a staff biodiversity monitoring and reporting system.

### Navigation Lighting

- 39 At least one month before completing the construction of the marina, the Consent Holder shall obtain approval for the proposed navigation lighting at the marina from the Director of Maritime Safety, Maritime New Zealand (MNZ), by making application through the Regional Harbourmaster for Northland. The Consent Holder shall provide a copy of the MNZ authority to the Council's Monitoring Manager and shall install the navigation lighting specified in that authority within in the time frame required by that authority.

**Advice Note:** *Application to establish Aids to Navigation may be made using Maritime Safety Authority form MSA16006.*

- 40 Lighting, other than navigational lighting required by the Director of Maritime Safety to meet international hydrographic standards for navigational safety purposes, shall:
- (a) Be the minimum required for its purpose – pathway, surface signage illumination;
  - (b) Be entirely of fully shielded full cut off fittings to contain all light below the horizontal from fittings or masts no higher than 4 metres; and
  - (c) Restrict all spillage to no more than 20 metres from the boundary of the marina deck.

### Construction Bond

- 41 Prior to the commencement of any construction works, the Consent Holder shall enter into a bond with the Council in the amount of \$1.0 million. The bond shall be prepared by the Council's Solicitor and shall be signed and sealed by both parties prior to the commencement of the exercise of this consent. All costs associated with the preparation and registration of the bond shall be met by the Consent Holder. The bond will be in accordance with the principles detailed in the **attached** Schedule 2.

## Performance Bond

- 42 Prior to the commencement of any construction works, the Consent Holder shall enter into a Performance Bond for the construction of the boat ramp extension, public toilet facilities and public berth facility. The bond amount shall be the full face value of the aforementioned works as estimated by a Chartered Professional Civil Engineer. The bond shall be prepared by the Council's Solicitor in accordance with the principles detailed in the **attached** Schedule 2 and all costs associated with its preparation and registration shall be met by the Consent Holder. The bond shall be in addition to any other bond required in a condition of any resource consent issued by the Far North District Council or the Northland Regional Council in respect of the marina project. The bond shall remain in place until all of the facilities covered by it are fully completed and operational.

## Completion of Marina Development Construction

- 43 The Consent Holder shall notify the Council's Monitoring Manager in writing as soon as the construction of the marina has been completed or of each stage of the marina construction if the development is to be staged.
- 44 The Consent Holder shall, immediately upon completion of the installation of the marina facility, notify in writing:

Nautical Information Advisor  
Land Information New Zealand  
Private Box 5501  
Lambton Quay  
Wellington 6145

Maritime New Zealand  
P O Box 27006  
Marion Square  
Wellington 6141

Far North District Council  
Private Bag 752  
Kaikohe 0440

Northland Regional Council  
Private Bag 9021  
Whāngārei Mail Centre  
Whāngārei 0148

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

- 45 Within three months of completion of the marina and reclamation, the Consent Holder shall provide the Council with a statement, which may be part of a producer statement under the Building Act 1991, from the same Chartered Professional Engineer who designed and supervised this part of the works stating that the works have been constructed in accordance with his/her design and in accordance with good engineering practice.
- 46 The Consent Holder shall show an Esplanade Strip of at least 6 metres wide along the seaward face of the reclamation in any plan prepared to satisfy the requirements of Section 245 of the Act.

**Advice Note:** *In accordance with Section 245 of the Act, the Consent Holder is required to submit to the Council for its approval, a plan of survey in respect of the land that has been reclaimed as soon as reasonably practicable after its completion.*

## Surrender of Consents

- 47 The Consent Holder shall surrender, in writing, the existing resource consents AUT.008385.16.02 for a barge dock and AUT.008385.17.02 for a boat ramp within one month of the completion of the marina facilities.

## Operation of Marina and Maintenance of Vessels in Marina Berths

- 48 Notwithstanding any other conditions of this consent, any discharge arising from the marina facility operation shall not cause the water quality of the receiving waters at the Mixing Zone Boundary, shown on Northland Regional Council Plan No. **4547**, to fall outside the following:

- (a) The natural water temperature shall not be changed by more than 3° Celsius;
- (b) The natural pH of the waters shall not be changed to more than 0.2 unit and at no time shall be less than 6.7 or greater than 8.5;
- (c) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours;
- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent; and
- (e) Faecal Coliforms – based on not fewer than five samples within a 30 day period the median faecal coliform count shall be less than 150/100 ml and 80%ile less than 600/100 ml.
- (f) The concentrations of heavy metals shall not exceed the following:

Metal	Grams per Cubic Metre
Total Copper	0.0013
Total Lead	0.0044
Total Zinc	0.015

- 49 Notwithstanding any other conditions of this consent, any discharge arising from the marina or its construction shall not cause the sediment quality at or beyond the Mixing Zone Boundary, shown on Northland Regional Council Plan No. **4547**, to fall below the following:

Metal	Milligrams per Kilogram
Total Copper	65
Total Lead	50
Total Zinc	200

- 50 Other than on the reclamation hardstand, any boat maintenance that is likely to cause contaminants to enter the coastal marine area shall not be carried out at the marina facility (e.g. removal or application of paint or antifouling, activities involving grease or oil on vessels at berths).
- 51 Maintenance of vessels using the marina berths authorised by this consent shall be limited to minor maintenance activities that do not give rise to discharges of contaminants to the coastal marine area or the potential for these to occur.

- 52 No discharge of wastes (e.g. sewage, oil, contaminated bilge water) shall occur from any vessel while berthed at the marina facility, or from any other activity associated with the construction or use of the marina facility.
- 53 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 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) It is equipped with a portable toilet on board. For the purposes of this condition a portable toilet is defined as a sewage containment device constructed of impermeable materials which is fully self-contained and removable, and consists of two independently sealed chambers comprising a water holding tank and a sewage holding tank separated by a slide valve; or
  - (d) 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.
- 54 The Consent Holder shall make available to the public at all times, toilet facilities that are located adjacent to, or near to the public boat ramp and dinghy dock facilities. As part of these facilities, a facility shall be installed to enable safe and sanitary disposal wastes from portable toilets.
- 55 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 56 The Consent Holder shall maintain the structures covered by these consents in good order and repair.

### **Monitoring of Marina Structural Integrity**

- 57 The Consent Holder shall have the structures associated with the marina facility inspected at one yearly intervals by a suitably qualified person or Chartered Professional Engineer to ensure its ongoing structural integrity. An inspection report from this suitably qualified person or Chartered Professional Engineer shall be provided to the Council's Monitoring Manager 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. The structures shall also be inspected immediately following any significant storm event.
- 58 Without limiting the generality of Condition 57, the Consent Holder shall carry out all maintenance required as a result of inspections under that condition within the timeframe prescribed by the inspection report.

- 59 In the event of failure or loss of structural integrity of any part of the marina facility, the Consent Holder shall immediately:
- (a) Retrieve all affected marina facility elements and debris that might escape from the facility 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 Monitoring Manager of the event and the steps being taken to retrieve and dispose of the affected marina facility elements and debris.

**Advice Note:** *The purpose of this condition is to avoid navigation safety and the environment being compromised by debris.*

### **Maintenance of Facilities**

- 60 All facilities authorised by this consent shall be adequately maintained. Replacement of piles covered by this consent may be carried out during the term of this consent without further approval being required under the Resource Management Act 1991 provided:
- (a) The position of replaced piles is not altered from the original position;
  - (b) No discharge or deposition of contaminants occurs into the coastal marine area; and
  - (c) There is no use of explosives.

### **Reclamation Hardstand Operation**

- 61 The stormwater collection and treatment systems for the reclamation hardstand and car parking areas of the Ōpua Marina (Stage 2) development shall be constructed and installed in accordance with the design supplied in the NCC Consulting Engineers Ltd report entitled "*Ōpua Marina Stage 2 Development – Services Report*" dated 22 January 2014. (*The stormwater treatment system layouts are identified on the NCC Consulting Engineers Ltd plans referenced as Northland Regional Council Plan No.'s 4543 and 4544 (attached)*).

The 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, lead, and zinc, and no less than 80% soluble copper, lead, and zinc.
- 62 The Consent Holder shall maintain and repair the stormwater treatment system to ensure that it operates effectively and efficiently.
- 63 The outlets from the hardstand and car park stormwater treatment system shall be designed and installed so as to effectively dissipate the energy of the stormwater to prevent scouring of foreshore or seabed.

- 64 Inspection and maintenance of the stormwater treatment devices shall be carried out at least twice a year to ensure that each device operates efficiently. The Consent Holder shall, by 1 May in each year or within one week of a written request by the Council's Monitoring Manager, supply records to the Council of the frequency of maintenance during the previous year.
- 65 All liquids, solids and sludge, removed from the hardstand and car park stormwater treatment systems shall be disposed of at a facility that is authorised to accept such wastes. The Consent Holder shall provide evidence, by way of tracking verification, (i.e. receipts) of the location of sludge disposal, if requested in writing by the Council's Monitoring Manager.
- 66 Any part of the hardstand area used for boat maintenance activities including boat cleaning or wet sanding shall be sealed and formed or fully bunded to ensure that any spills and all stormwater are routed to the stormwater collection and treatment systems. All exterior hull dry sanding shall use vacuum systems.
- 67 The Consent Holder shall undertake such measures as are necessary to minimise the discharge of contaminants to ground within the reclamation hardstand area. 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.
  - (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 (e.g. 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 completion of maintenance activities, whichever occurs first. The collected materials shall be disposed of at an authorised disposal site.
  - (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 disposal site.
  - (e) Water-blasting, washing or wet-sanding of vessel hulls shall only take place over impervious yard surfaces which are able to collect wastewater for processing via the wastewater treatment system.
- 68 Boat maintenance activities shall not be undertaken when rain, and/or wind may result in a discharge of boat maintenance contaminants to the coastal marine area or to land through overloading or bypassing of the hardstand stormwater treatment system.

### **Exclusive Occupation of Marina**

- 69 The areas of exclusive occupation, over which the Consent Holder may exercise control of access and use, are limited to those areas shown on Northland Regional Council Plan No. **4546**, except that the Consent Holder shall not limit access to and reasonable use of:

- (a) the public boat ramp and the public berth; and,
- (b) the inner fairway between the inside (west side) of the breakwater (attenuator) and a line formed 5 metres east of the closest point to the breakwater of each of piers F, G, H, I and J; and
- (c) the piers by the pedestrian public during daylight hours.

**The following Conditions relate only to the discharges:**

**APP.008385.43.01 – Stormwater Discharges**

**APP.008385.44.01 – Hardstand Boat Maintenance Discharges**

70 The Consent Holder shall exercise these consents in a manner which ensures that water quality of the Taumarere (Kawakawa) River, at any point 10 metres from the stormwater outlets, always meets the following standards:

- (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
- (b) A reduction in the natural hue by more than 10 Munsell units.
- (c) A reduction in visual clarity of more than 20% of background visual clarity at the time of measurement, as measured using a secchi disk or another Council approved alternative method at an appropriate and representative upcurrent location.
- (d) Turbidity shall not be increased by more than 20% of background turbidity at the time of measurement as measured at an appropriate and representative upcurrent location.
- (e) Suspended solids shall not exceed 40g/m<sup>2</sup> above the background measurement at the time of measurement as measured at an appropriate and representative upcurrent location.
- (f) Any emission of objectionable odour.
- (g) The destruction of natural aquatic life by reason of a concentration of toxic substances.
- (h) The natural temperature shall not change by more than 3 degrees Celsius.
- (i) The natural pH of the waters shall not be changed to more than 0.2 units and shall be within the range 6.5 to 9.0 except where due to natural causes.
- (j) The concentration of dissolved oxygen shall not be reduced below 80 percent saturation.
- (k) Faecal Coliforms – shall be less than 150/100 ml.
- (l) The concentrations of heavy metals shall not exceed the following:

Metal	Grams per Cubic Metre
Total Copper	0.0013
Total Lead	0.0044
Total Zinc	0.015

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



When the background water quality in the Taumarere (Kawakawa) River waters does not meet the above standards, then the discharge shall not cause the water quality in the Taumarere (Kawakawa) River at any point 10 metres from the stormwater outlet to be worse than the background water quality.

### Monitoring of Water and Sediment Quality

- 71 Monitoring and testing shall 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.

The testing programme associated with the monitoring shall generally follow that set out in Schedule 4. The testing programme may, upon consultation between the Council's Monitoring Manager and the Consent Holder, be amended, subject to the agreement of the Council's Monitoring Manager.

### APP.008385.46.01 – Air Discharges

- 72 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 the hardstand area.
- 73 All maintenance operations that may give rise to airborne contaminants shall be conducted with regard to wind direction and wind strength to prevent or minimise any adverse effects on the environment.
- 74 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 the hardstand area.

Contaminant	Ambient Limit (micrograms per cubic metre)
Particulate (PM <sub>10</sub> )	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)

- 75 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 that is authorised to accept such material.
- 76 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 to air that are 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.

### **Conditions relating to Environmental Fund, Ōpua Marina Liaison Committee and Cultural Impact**

- 77 The Consent Holder shall continue the Environmental Fund established as part of the consents for the existing marina (Stage 1), the purpose of that Fund being to support activities which will lead to an enhancement of the mauri, health and vitality of the Taumarere River and tidal waters in the vicinity of Ōpua. The Consent Holder shall fund the Environmental Fund in the amount of \$5,000 (adjusted annually from 2014 according to the Consumers Price Index) for each successive year of the consents for the extended marina. The Environmental Fund shall be jointly administered by the Consent Holder and the Ōpua Marina Liaison Committee (also established as part of the consents for the existing marina) or their successors.

**Advice Note:** *In accordance with the reasons it was established, the Environmental Fund is intended to give practical recognition to kaitiakitanga. Its uses may include (but not be limited by) projects to enhance the quality of the waters, hapū or iwi management plans with direct relevance to the quality of the waters, and scholarships for training local people in skills which will assist in meeting the intention of the Fund.*

- 78 The Consent Holder shall continue the workings of the Ōpua Marina Liaison Committee established as part of the consents for the existing marina (Stage 1), the purpose of that Committee being to provide an ongoing point of contact between the Consent Holder and the community. The details of the associated condition and the protocols established by that Committee to the date of commencement of these consents for Stage 2 of the marina shall be continued except that each of the relevant hapū identified through the process of the consideration of the consents for the extended marina shall be given the opportunity to have a representative on that Committee. Those hapū are Te Roroa, Ngati Manu, Ngati Hine and Te Kapotai.

**Advice Note:** *In accordance with the reasons it was established, this Committee is intended to be an ongoing point of contact between the Consent Holder and the relevant hapū, to ensure that development is carried out in an appropriate way and channels of communication are kept open.*

- 79 The Consent Holder shall implement the following recommendations taken or adapted from the Cultural Impact Assessment prepared for the proposal:
- (a) That the consent holder ensures that any land fill for the reclamation and construction of the seawall does not come from Waahi Tapu of any sort.

- (b) That the final design of the marina includes two waka berths.
- (c) That hapū be provided with the opportunity to contribute to the final design of the proposed marina.
- (d) That hapū be provided with the opportunity to contribute to the naming of the new areas according to their customary practices and historical korero.

**Advice Note:** *The above recommendations from the CIA are those that can reasonably be adopted. Some of the recommendations have been omitted from this condition because they are otherwise included in the conditions on the consents (e.g. monitoring, control of swing moorings).*

<b>EXPIRY DATE:</b>	<b>ALL CONSENTS EXCEPT FOR AUT.008385.32.01 (RECLAMATION)</b>	<b>30 MAY 2049</b>
	<b>AUT.008385.32.01 (RECLAMATION)</b>	<b>IN PERPETUITY</b>

**Advice Note:** *Building Consent may be required to be sought from the Far North District Council for the structures authorised by these resource consents.*

## **SCHEDULE 1**

### **ENVIRONMENTAL STANDARDS – NOISE**

#### **CONSTRUCTION NOISE**

The noise from all construction activities seaward of the line of Mean High Water Springs (MHWS) shall comply with the construction noise limits prescribed in NZS6803:1999 “Acoustics – Construction Noise” when measured at or within any site in the Residential, Coastal Residential zone or at or within the notional boundary of any other dwelling in any other rural or coastal zone not under the control of Far North Holdings Limited.

Construction noise shall comply with, and be measured and assessed in accordance with, the requirements of the Standard.

For the construction of Stage 2 of the Marina, the “Long-term Duration” noise limits shall apply.

#### **CONSTRUCTION VIBRATION**

Vibration generated by construction activities shall comply with the provisions of DIN4150-3:1999 “Structural Vibration – Effects of Vibration in Structures”, including the limits stated therein for buildings and structures when measured and assessed on any building, structure or infrastructure not under the control of Far North Holdings Limited.

#### **OPERATIONAL NOISE**

For operational noise generated by activities in the marina seaward of the line of MHWS, the following noise limits shall be complied with when measured at or within the notional boundary of any dwelling not under the control of Far North Holdings Limited:

0700 to 2000 hours	$L_{Aeq}$ 50 dB
2200 to 0700 hours	$L_{Aeq}$ 45 dB and $L_{Amax}$ 65 dB

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

## **SCHEDULE 2**

### **BOND AGREEMENT PRINCIPLES**

#### **1. ENVIRONMENTAL BOND**

##### **Purpose of Bond**

The purpose of this bond shall include the following:

- (a) To provide a mechanism to have moneys immediately available to mitigate or control the environmental consequences of the failure of the Consent Holder to complete the project.
- (b) To provide a mechanism immediately available to the Council to enable:
  - (i) Restoration of the site to an appropriate form should the project works not be completed; and/or
  - (ii) Completion of the project works to an environmentally acceptable state.
- (c) To provide for the likely costs involved in the planning, management administration and monitoring of the measures described in (a) and (b) above.

##### **Term of Bond**

The bond shall have a term sufficient to ensure that the funds are available for the purpose described above, until the physical completion of the construction of all works covered by consents issued under reference numbers AUT.008385.31.01 to AUT.008385.42.01 at which time any funds remaining shall be reimbursed to the Consent Holder.

#### **2. PERFORMANCE BOND**

##### **Purpose of Performance Bond**

The purpose of the performance bond is to:

- (a) Ensure that the public boat ramp extension, public toilet facilities and public berth facility are constructed in the locations approved by these resource consents; and
- (b) Provide for all reasonable costs incurred by the Council in the management and administration of the bond during its term.

#### **3. TERM OF BOND**

The performance bond shall have a term sufficient to ensure that the funds are available for the purpose described above, until the physical completion of all the public boat ramp extension, public toilet facilities and public berth facility facilities, at which time any funds remaining shall be reimbursed to the Consent Holder.

## **SCHEDULE 3**

### **DREDGING MONITORING PROGRAMME**

During dredging operations, daily secchi readings will be undertaken by the Consent Holder, at mid tide. Three secchi readings will be taken at a location at least 50 metres up current from the dredge activity, and three readings 100 metres down current from the dredge, within the plume. The median results will be used to assess compliance with the water quality standards identified by this consent.

Results of the daily inspections are to be recorded in a written log book by the Consent Holder. This log will be provided to the Council every week.

In addition, continuous turbidity measurements will be collected using a continuous turbidity sampler (e.g. YSI sonde) at three locations; one at each of the upstream/downstream mixing zone boundary and one at a suitable control point.

## **SCHEDULE 4**

### **TESTING AND TESTING PROGRAMME FOR WATER QUALITY**

#### **DURING CONSTRUCTION**

During construction, Temperature, pH, Salinity, Clarity, Faecal coliforms, Suspended solids, Turbidity and Dissolved oxygen in the construction area, will be checked not less than three times.

#### **DURING OPERATION**

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

Testing for Faecal Coliforms will be based on not fewer than five samples within a 30 day period.

Samples will be taken at no less than five sites within the marina, the precise locations of which will be determined following consultation by Council monitoring staff with the Consent Holder once the marina becomes operational.

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

Sampling may be undertaken as part of the monitoring programme for the Ōpua Marina (Stage 1) consent.

Two other one-off sampling runs will be carried out during each year.

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

Testing for metals in the water column in the marina and at the stormwater discharge locations will be carried out once a year.

Testing for metals in seabed sediments at stormwater discharge locations will be carried out every year.

The stormwater discharges will be sampled after a moderate rainfall event after an extended dry period. They will be sampled 10 metres down-current of the discharge outfalls, at the point of discharge and at suitable control sites.

# ASHBY'S BOAT YARD ALTERATION AND EXTENSION TO A FLOATING PONTOON FACILITY

APP.005544.16.01

Notified New

FAR NORTH HOLDINGS LIMITED, T/A ASHBY'S BOAT YARD, PO BOX 7, ŌPUA 0241

To place, use and occupy space in the coastal marine area of the Taumarere (Kawakawa) River, Ōpua with an extension to Ashby's Boat Yard floating breakwater and pontoon facility at or about location co-ordinates 1701749E 6091054N.

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

Subject to the following conditions:

- 1 This consent applies only to the floating breakwater and pontoon facility extension identified on the Northland Regional Council Plan No. **4537 attached**.
- 2 The Consent Holder shall construct the floating breakwater and pontoon facility extension in general accordance with the layout identified in the **attached** Northland Regional Council Plan No. **4537**.
- 3 The Consent Holder shall mark the floating breakwater and pontoon facility extension with the number **5544(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 notify the Council in writing of the date construction work is intended to commence at least two weeks beforehand, and as soon as the work is completed.
- 5 A copy of any building consent (including approved plans) issued by the Far North District Council in respect of the floating breakwater and pontoon facility, shall be provided to the Council's Monitoring Manager at least two weeks prior to the commencement of construction.
- 6 The Consent Holder shall notify the Council's Monitoring Manager in writing as soon as the works are completed.
- 7 The Consent Holder shall ensure that copies of this consent are provided to the person(s) who are to carry out the construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 8 Noise levels associated with the construction and operation of the facility shall not exceed those set out in Schedule 1, **attached**.
- 9 Construction work shall only be carried out during the hours between 7.00 a.m. (0700 hours) and sunset or 8.00 p.m. (2000 hours), whichever occurs earlier, and only on days other than Sundays and public holidays.
- 10 All equipment entering the coastal marine area associated with the exercise of this consent shall be in a good state of repair and free of any leaks e.g. oil, diesel etc.



- 11 The Consent Holder shall ensure that an oil spill kit, appropriate to the plant and equipment being used during the construction, is provided and maintained on site during the works.
- 12 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters during construction, at any point 10 metres from the floating breakwater and pontoon facility, always meets the following standard:

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.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

- 13 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 14 The Consent Holder shall maintain the structures covered by this consent in good order and repair.
- 15 The Consent Holder shall provide rubbish collection facilities, appropriate to the rubbish to be collected, on shore and shall dispose of all rubbish to authorised disposal facilities.
- 16 The Consent Holder shall allow reasonable public access and use of the facility and the balance of the consent area for the purposes of accessing nearby moorings and embarking and disembarking from recreational craft, to the extent that is consistent with site safety and boatyard operations and avoids congestion. Public access to and use of the facility shall be subject to the reasonable control of the Consent Holder.
- 17 The Consent Holder shall ensure that all users of the facility, including, but not limited to, the public, are made fully aware of the conditions of this consent.
- 18 Berths in the extended facility may be used for the following purposes:
- On water maintenance and survey work;
  - Berthage for servicing or maintenance of vessels with a seasonal or temporary berthing requirement;
  - Leasing to visiting vessels.
- 19 A sampling and testing programme associated with the monitoring of the extended facility shall generally follow that set out in Schedule 2 of resource consent AUT.005544.12.02 for the Ashby's Boat Yard floating breakwater and pontoon facility. The sampling and testing programme may, as a result of consultation between the Council and the Consent Holder, be amended, subject to the prior written approval of the Council.

20 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 of the steps taken or being taken to effectively control or prevent such escape.

In regard to 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 Council's Environmental Hotline shall be contacted.

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

21 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 May for the following purpose:

- (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

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

**Advice Note:** *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 any time for the following purposes:*

- (a) *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*
- (b) *To provide for compliance with any relevant national environmental standards that have been made; or*
- (c) *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.*

22 For the purposes of the lapsing provisions of section 125 of the Act, this consent shall not lapse until its expiry date.

- 23 Prior to 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 Council, unless an application for a replacement consent has been properly made beforehand.

**EXPIRY DATE: 31 APRIL 2019**

***Advice Note:*** *Building Consent may be required to be sought from the Far North District Council for the structures authorised by this resource consent.*



## **SCHEDULE 1**

### **ENVIRONMENTAL STANDARDS – NOISE**

#### **CONSTRUCTION NOISE**

The noise from all construction activities seaward of the line of Mean High Water Springs (MHWS) shall comply with the construction noise limits prescribed in NZS6803:1999 “Acoustics – Construction Noise” when measured at or within any site in the Residential, Coastal Residential zone or at or within the notional boundary of any other dwelling in any other rural or coastal zone not under the control of Far North Holdings Limited.

Construction noise shall comply with, and be measured and assessed in accordance with, the requirements of the Standard.

For the construction of this floating breakwater and pontoon facility, the “Long-term Duration” noise limits shall apply.

#### **CONSTRUCTION VIBRATION**

Vibration generated by construction activities shall comply with the provisions of DIN4150-3:1999 “Structural Vibration – Effects of vibration in structures”, including the limits stated therein for buildings and structures when measured and assessed on any building, structure or infrastructure not under the control of Far North Holdings Limited.

#### **OPERATIONAL NOISE**

For operational noise generated by activities in the floating breakwater and pontoon facility seaward of the line of MHWS, the following noise limits shall be complied with when measured at or within the notional boundary of any dwelling not under the control of Far North Holdings Limited:

0700 to 2000 hours	$L_{Aeq}$ 50 dB
2200 to 0700 hours	$L_{Aeq}$ 45 dB and $L_{Amax}$ 65 dB

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

# ASHBY'S BOAT YARD PONTOON FACILITY S127 RMA CHANGE OF CONSENT CONDITIONS

APP.005544.12.02

Notified Change

Changes are shown as <del>strike through</del> , <u>underscored</u> and <b>bolded</b> text.
---

**FAR NORTH HOLDINGS LIMITED, T/A ASHBY'S BOAT YARD, PO BOX 7, ŌPUA 0241**

To place, use and occupy the coastal marine area with a floating breakwater and pontoon facility for the purpose of servicing and maintaining vessels and to occupy an area of seabed around the proposed facility at Ōpua, Bay of Islands ~~Map Reference Q05:125-530~~ **at or about location co-ordinates 1701690E 6091078N** subject to the following conditions:

- 1 This consent applies only to the area shown as occupation area (also known as consent area) on Northland Regional Council Plan No. 3378B and ~~3378B~~**3378C** **attached**. (Note: section 127 changes granted 30 April 2004 and 13 June 2006).
- 2 The Consent Holder shall retain a registered engineer with appropriate experience to supervise the development of the detailed design and the construction of the facility.
- 3 Prior to commencing construction of the facility, the Consent Holder shall provide the Council with a statement, signed by the chartered professional Engineer who supervised the development of the detailed design, describing the works to be constructed and stating that the particular works have been suitably investigated and properly designed in accordance with good engineering practice.
- 4 At least one month prior to construction works commencing on the facility, the Consent Holder shall provide a procedure for dealing with oil spills that may occur during its construction or operation to the Council for its approval.
- 5 The Consent Holder shall notify the Council in writing of the date construction work is to commence at least two weeks beforehand.
- 6 The Consent Holder shall contact the Harbourmaster, at least one month in advance of any construction, to initiate the issue of a Notice to Mariners regarding any necessary navigation warning arising from construction activities.
- 7 The Consent Holder shall prepare a Management Plan, covering the construction and operation of the facility. The proposed Management Plan shall be sent to the Council for approval within three months of the date of commencement of this consent but no later than two weeks before any on-site construction commences. The Management Plan shall generally follow the guidelines set out in Schedule 3, **attached**. The Consent Holder shall forward a copy of the approved Management Plan to BOI Coastal Watchdog, C/O K Upperton, RD 1, Kerikeri and Island Ventures Limited, PO Box 445, Surfdale, Waiheke Island, Auckland within three weeks of its approval.
- 8 Noise levels associated with the construction and operation of the facility shall not exceed those set out in Schedule 1, **attached**.
- 9 Construction work shall only be carried out during the hours between 7.00 a.m. (0700 hours) and sunset or 8.00 p.m. (2000 hours), whichever occurs earlier, and only on days other than Sundays and public holidays.

- 10 Prior to completing the construction of the works, the Consent Holder shall propose navigation lighting on the facility to the Director of Maritime Safety, through the Harbourmaster.
- 11 Other than any lighting required by the Director of Maritime Safety for navigational safety purposes, lighting in and around the facility shall not create light spill to surrounding areas, in such a manner that creates nuisance, in the opinion of an enforcement officer of the Council.
- 12 The Consent Holder shall notify the Council in writing as soon as the works are completed.
- 13 The Consent Holder shall, immediately upon completion of the installation of all works associated with this consent, notify in writing:

Nautical Information Advisor  
Land Information New Zealand  
PO Box 5501  
Lambton Quay  
Wellington 6145

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

Far North District Council  
Private Bag 752  
Kaikohe 0440

Northland Regional Council  
Private Bag 9021  
Whāngārei Mail Centre  
Whāngārei 0148

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

- 14 Within three months of completion of the construction of the facility, the Consent Holder shall provide the Council with a statement, from the Chartered Professional Engineer who supervised the development of the detailed design, stating that the works have been constructed in accordance with his/her design and in accordance with good engineering practice.
- 15 The Consent Holder shall mark the structure with the number **5544 08** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the land and sea.
- 16 The Consent Holder shall provide car parking, for those using the facility for maintenance purposes, for no less than 13 vehicles on Lots 1, and 3, DP 199153 shown on **attached** Thomson and King Drawing No. 4796. At times when any park is not required for this purpose, the Consent Holder shall allow its reasonable use for parking by the public. The Consent Holder shall form the parking areas with a suitable all weather impermeable surface, shall adequately maintain them and shall keep the parking areas free of any encumbrances that would discourage parking at these locations. The Consent Holder shall provide signage in a visible location such that intended users are directed to the parks.
- 17 The Consent Holder shall seal or lock-off all discharge points to the coastal marine area from toilets, holding tanks and other sewage and grey water systems on board all vessels being maintained at the facility, from their time of arrival to their time of departure. The methods used to seal or lock-off shall prevent any discharge of contaminants to the coastal marine area.

- 18 The Consent Holder shall provide rubbish collection facilities, appropriate to the rubbish to be collected, on shore and shall dispose of all rubbish to authorised disposal facilities.
- 19 Berths in the facility ~~shall be for boat maintenance purposes~~ **may be used for:**
- **On water maintenance and survey work;**
  - **Berthage for servicing or maintenance of vessels with a seasonal or temporary berthing requirement;**
  - **Leasing to visiting vessels.**
- 20 The Consent Holder shall allow reasonable public access and use of the facility and the balance of the consent area for the purposes of accessing nearby moorings and embarking and disembarking from recreational craft, to the extent that is consistent with site safety and boatyard operations and avoids congestion. Public access to and use of the facility shall be subject to the reasonable control of the Consent Holder.
- 21 The Consent Holder shall ensure that all users of the facility, including, but not limited to, the public, are made fully aware of the conditions of this consent.
- 22 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 23 The Consent Holder shall ensure that no discharge of contaminants arises from any activity at the facility and shall exercise this consent in a manner which ensures that the quality of the receiving waters at the boundary of the occupation area does not as a result of the exercise of this consent fall below the following standard:

Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Maunsell 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.
Faecal Coliforms	Based on not fewer than 5 samples within any 30 day period – median < 150/100 ml and 80%ile < 600/100 ml

- 24 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 and Far North Holdings Limited (Marina Office) 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.



25 The facility shall be adequately maintained. Replacement of piles covered by this consent may be carried out during the term of this consent without further approval being required under the Resource Management Act 1991 provided:

- (a) The position of replaced piles is not altered from the original position; and
- (b) No significant discharge or deposition of contaminants occurs into the coastal marina area; and
- (c) There is no use of explosives.

26 **Monitoring**

Monitoring of the consent will be carried out by the Council. Various elements of the monitoring may be carried out by the Consent Holder with the agreement of the Council.

**Seabed Monitoring**

The Consent Holder will carry out a seabed monitoring programme to physically determine any change in the adjacent seabed levels due to the facility and its use, as follows:

- (a) An annual bathymetric survey to monitor any change in the seabed levels due to the development and/or use of the facility shall be carried out. The survey area shall be that encompassed by the line of mean high water springs and the line 100 metres outside the area of occupation boundary shown on Northland Regional Council Plan No. 3378.
- (b) The data comprising the survey together with a report will be provided to the Council as soon as practicable after the survey has been undertaken and in any case no more than two months after the physical survey.
- (c) The first survey, to establish baseline conditions in the survey area, shall be provided to the Council at least one month before the start of construction works.
- (d) If the seabed levels show little change arising from the development and use of the facility and if the Council agrees in writing, the frequency of the surveys will be altered to two yearly surveys.

If the facility and its use causes significant siltation affecting navigability within the survey area, the Consent Holder will, in good faith, seek the appropriate resource consents to carry out maintenance dredging in the survey area, namely the Marine 4 Management Area as shown on map B14 of the Northland Proposed Regional Coastal Plan, between the area of the Ōpua Wharf and Ashby's Boatyard.

**Sampling and Testing Programme**

A sampling and testing programme associated with the monitoring shall generally follow that set out in Schedule 2 **attached**. The sampling and testing programme may, as a result of consultation between the Council and the Consent Holder, be amended, subject to the prior written approval of the Council.

27 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. Such notice may be served annually during the month of June. 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 any regional plan that has been made operative since the commencement of the consent.
- (d) To deal with any inadequacies or inconsistencies the 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.)
- (f) To change existing, or impose new limits on consent conditions.

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

~~28 The facility shall not be used as a marina and, notwithstanding the generality of the foregoing, not used for the permanent berthing of vessels. For the purposes of this condition "permanent berthing" means:~~

- ~~(a) The use of the facility by a vessel for longer than one 12 hour period in any seven day period, or~~
- ~~(b) The use for other than repairs and maintenance or survey work which, because of their nature, requires a vessel to be located at the facility for a longer period.~~

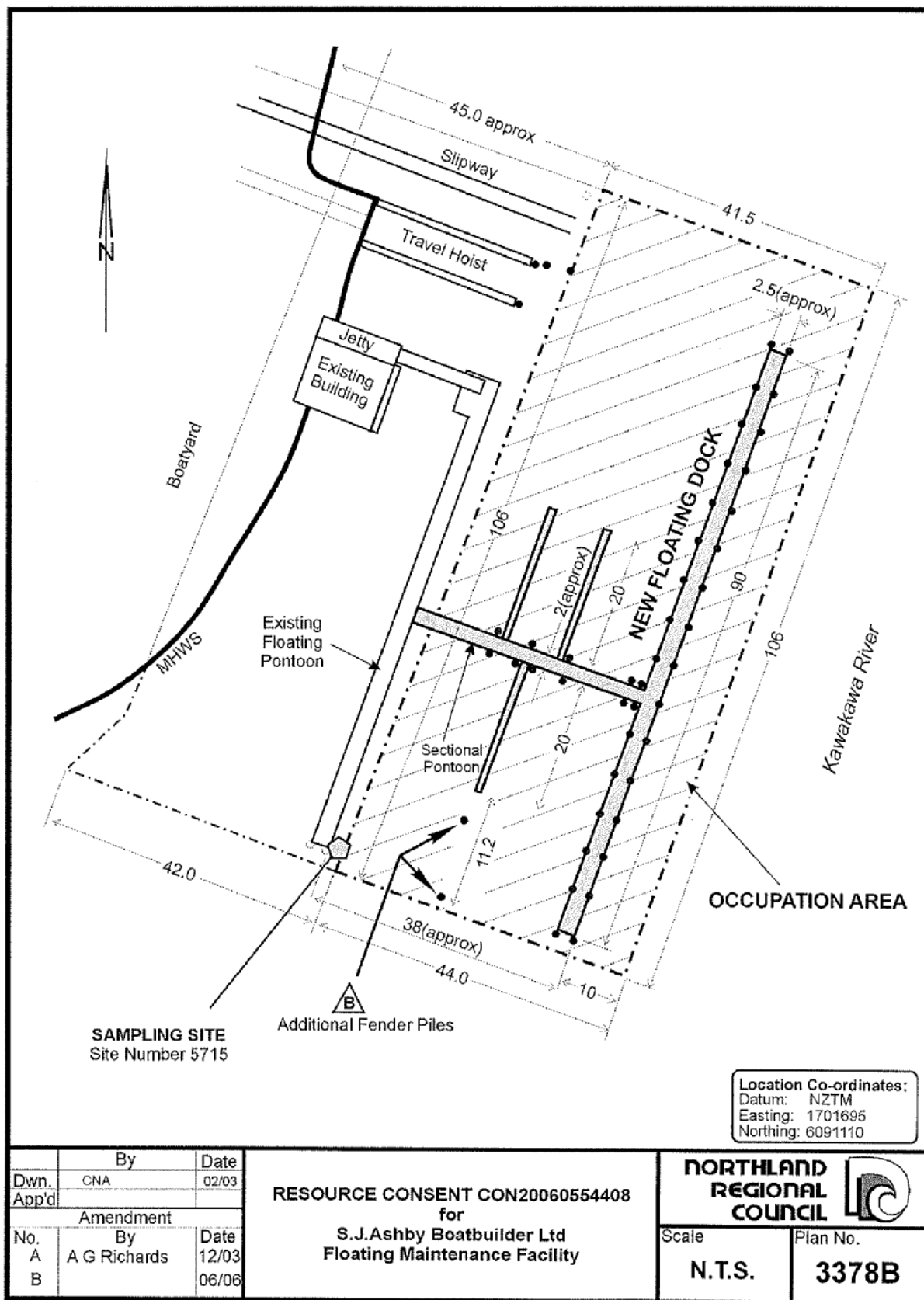
~~Advice Note: For the avoidance of doubt, the use of the facility for the long term daily servicing and maintenance of tourist operation vessels is not permanent berthing.~~

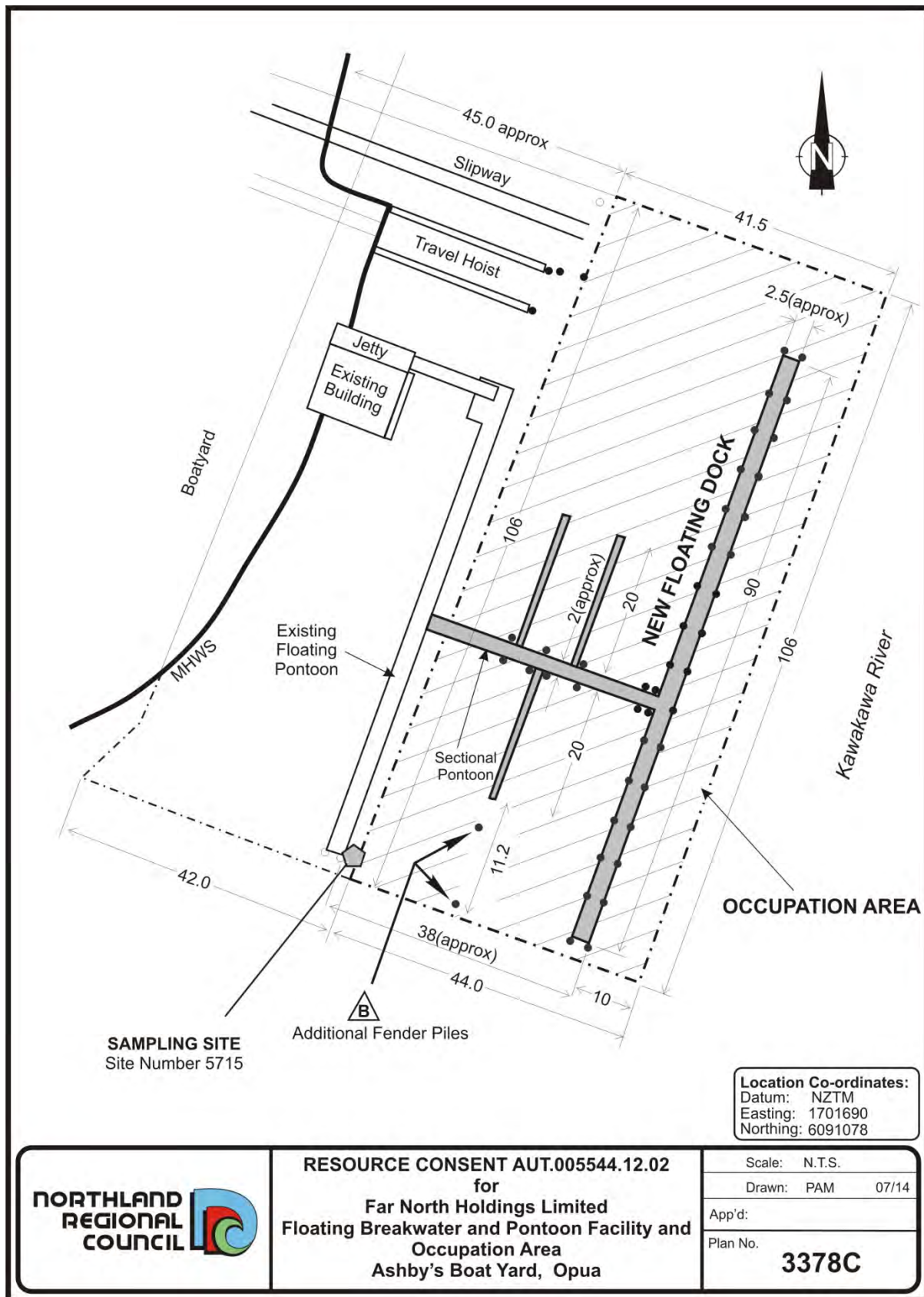
~~29~~**28** Prior to the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures (other than reclamations) and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Council, unless an application for a replacement consent has been properly made beforehand.

~~30~~**29** The facility shall have a non-reflective finish which, in the opinion of an enforcement officer of the Council, is in recessive colours.

~~31~~**30** The Consent Holder shall, as soon as reasonably practicable, remove any debris that may be a hazard to vessels, accumulated against the floating breakwater and pontoon facility from the coastal marine area, and dispose of it an appropriate location.

**EXPIRY DATE: 31 APRIL 2019**







# SCHEDULE 1

## ENVIRONMENTAL STANDARDS – NOISE

### CONSTRUCTION

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

<i>Time Period</i>	<i>Weekdays (dBA)</i>		<i>Saturdays (dBA)</i>		<i>Sundays and Public Holidays (dBA)</i>	
	$L_{eq}$	$L_{max}$	$L_{eq}$	$L_{max}$	$L_{eq}$	$L_{max}$
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: 20081991.

### 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 of 100 metres of the source of the noise.

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801: 20081991 Measurement of Sound and assessed in accordance with NZS 6802: 20081991 Assessment of Environmental Sound.

## SCHEDULE 1

### ENVIRONMENTAL STANDARDS – NOISE

#### CONSTRUCTION NOISE

The noise from all construction activities seaward of the line of Mean High Water Springs (MHWS) shall comply with the construction noise limits prescribed in NZS6803:1999 “Acoustics – Construction Noise” when measured at or within any site in the Residential, Coastal Residential zone or at or within the notional boundary of any other dwelling in any other rural or coastal zone not under the control of Far North Holdings Limited.

Construction noise shall comply with, and be measured and assessed in accordance with, the requirements of the Standard.

For the construction of this floating breakwater and pontoon facility, the “Long-term Duration” noise limits shall apply.

#### CONSTRUCTION VIBRATION

Vibration generated by construction activities shall comply with the provisions of DIN4150-3:1999 “Structural Vibration – Effects of Vibration in Structures”, including the limits stated therein for buildings and structures when measured and assessed on any building, structure or infrastructure not under the control of Far North Holdings Limited.

#### OPERATIONAL NOISE

For operational noise generated by activities in the floating breakwater and pontoon facility seaward of the line of MHWS, the following noise limits shall be complied with when measured at or within the notional boundary of any dwelling not under the control of Far North Holdings Limited:

0700 to 2000 hours  $L_{Aeq}$  50 dB

2200 to 0700 hours  $L_{Aeq}$  45 dB and

$L_{Amax}$  65 dB

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”, and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

## SCHEDULE 2

### SAMPLING & TESTING PROGRAMME

~~(As far as is possible, sampling for this programme will be carried out in conjunction with the Ōpua marina sampling programme.)~~

#### WATER QUALITY

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

Testing for Faecal Coliforms will be based on not fewer than five samples within 30 day period.

Samples will be taken at no less than two sites within the floating pontoon maintenance area, the precise locations of which will be determined following consultation by Council monitoring staff with the Consent Holder once the extended facility becomes operational.

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

Two other one-off sampling runs will be carried out during each year.

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

Testing for metals in the water column in the floating pontoon maintenance area will be carried out once a year.

Testing for metals in seabed sediments will be carried out every second year at no less than two locations.

#### WATER QUALITY

~~Water quality sampling and testing will start shortly after the vessel service and maintenance facility begins operating. Water samples will be collected at least annually at NRC Control Sites 2419 (on flood tide) or 2277 (on ebb tide) (Note: These are the same sites used for the Ōpua Marina and are outside the plot area of NRC Plan No. 3378B) and Effect Site 5715, on at least two different days within any thirty day period. A total of at least five samples will be collected from each site during each thirty day period and will be tested for faecal coliform bacteria to check compliance with Condition 23 of the consent.~~

The consent area will also be inspected for conspicuous oil or grease films, scums or foams, or floatable or suspended solids. If such films, scums, foams or solids are observed, then samples will be collected to identify the nature and/or cause of those films, scums, foams or solids.

#### SEDIMENT

~~Sediment sampling and testing will start within two years of the vessel service and maintenance facility starting operation. Sediment samples will be collected at NRC Effect~~



~~Site 5715 at least biennially. The samples will be tested for total copper, total lead and total zinc.~~

#### **ADDITIONAL SAMPLING & TESTING**

~~Additional sampling and testing will be carried out in the consent area in the event of non-compliance with consent water quality standards, or where sediment metal levels exceed recognised guideline values for the protection of aquatic life.~~

~~The initial guideline levels for sediments are the ANZECC 2000 Guidelines (ERL values)~~

<b>Metal</b>	<b>Limit in Milligrams per Kilogram (dry weight)</b>
Copper	34
Lead	46
Zinc	150

#### **REVIEW OF SAMPLING & TESTING PROGRAMME**

~~The sampling and testing programme may be reviewed after at least two sediment sampling events have been completed. Any changes to the programme will require the written approval of the Council.~~

## **SCHEDULE 3**

### **MANAGEMENT PLAN**

#### **TO COVER BOTH CONSTRUCTION AND OPERATION OF THE FACILITY**

While the details of the Management Plan need to be derived according to the particular circumstances, it shall include the principal matters set out below and any other matters that are required by conditions of consent:

- (1) Statement of Management Goals**
- (2) Facility Management Structure and Accountability**
  - during construction
  - during operation
- (3) Environmental Policies and objectives**
  - **general construction/operational management**
    - environmental
    - public safety
    - maintenance
    - public relations
- (4) Procedures**

##### Day to Day

- **general daily operation**
  - compliance with resource consent conditions
  - inspection and maintenance of facility structures, facilities and utility services
  - identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these
  - rubbish collection and disposal
  - emergencies (per identified emergency)
  - monitoring and review of these procedures

##### During Construction

- **general daily operation during construction**
  - compliance with resource consent conditions
  - identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these

- emergencies (per identified emergency)
- monitoring and review of these procedures

#### **Operation and Use of the facility**

- **general daily operation**
- compliance with resource consent conditions
- identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these
- emergencies (per identified emergency)
- monitoring and review of these procedures

#### **(5) Control of Activities**

- facility rules
- compliance standards
- resource consent conditions

#### **(6) Management Plan Review**

- frequency of review
- review method
- approval of changes to plan

# ASHBY'S BOAT YARD STORMWATER CHAMBER AND CULVERT EXTENSION

APP.008230.06.01

Notified New

FAR NORTH HOLDINGS LIMITED, T/A ASHBY'S BOAT YARD, PO BOX 7, ŌPUA 0241

To place, use and occupy space in the coastal marine area with a stormwater chamber and culvert extension adjacent to both Ashby's Boat Yard slipway and a reclamation associated with the Ōpua Marina (Stage 2) Development, Ōpua at or about location co-ordinates 1701685E 6091158N.

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

Subject to the following conditions:

- 1 This consent applies only to the stormwater chamber and culvert identified on NRC plan **4536A attached**.
- 2 The stormwater chamber and culvert shall be constructed in general accordance with the following **attached** Richardson Stevens Consultants (1996) Limited Plan entitled:
  - (a) "Ōpua Marina – Stage 2 Proposed Stormwater Pipe Extension", File 11914, Sheet 1 Rev A, dated 18/11/13 (also referenced as NRC plan **4536B**).
  - (b) "Ōpua Marina – Stage 2 Proposed Stormwater Pipe Extension", File 11914, Sheet 2 Rev A, dated 18/11/13 (also referenced as NRC plan **4536C**).
- 3 The Consent Holder shall mark the stormwater chamber of the culvert extension with the number **8320** 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 notify the Council in writing of the date construction work is intended to commence at least two weeks beforehand, and as soon as the work is completed.
- 5 The Consent Holder shall ensure that a copy of this consent is provided to the person who is to carry out the construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 6 Noise levels associated with the construction and operation of the facility shall not exceed those set out in Schedule 1, **attached**.
- 7 Construction work shall only be carried out during the hours between 7.00 a.m. (0700 hours) and sunset or 8.00 p.m. (2000 hours), whichever occurs earlier, and only on days other than Sundays and public holidays.
- 8 All equipment entering the coastal marine area associated with the exercise of these consents shall be in a good state of repair and free of any leaks e.g. oil, diesel etc.
- 9 The Consent Holder shall ensure that an oil spill kit, appropriate to the plant and equipment being used during the construction, is provided and maintained on site during the works.

- 10 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters during construction, at any point 10 metres from the culvert, always meets the following standard:

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.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

- 11 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 12 The Consent Holder shall maintain the structure covered by this consent in good order and repair.
- 13 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 and local Iwi. 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. The Heritage New Zealand Pouhere Taonga "Accidental Discovery Protocol" has been **attached** for information.*

- 14 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 of the steps taken or being taken to effectively control or prevent such escape.

In regard to 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 Council's Environmental Hotline shall be contacted.

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

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 May for the following purpose:

- (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

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

**Advice Note:** *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 any time for the following purposes:*

- (a) 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*
- (b) To provide for compliance with any relevant national environmental standards that have been made; or*
- (c) 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.*

16 This consent shall not lapse until its expiry.

17 Prior to 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 Council, unless an application for a replacement consent has been properly made beforehand.

**EXPIRY DATE: 31 MAY 2033**



**Location Co-ordinates:**  
 Datum: NZTM  
 Easting: 1701685  
 Northing: 6091158



**RESOURCE CONSENT AUT.008320.06.01**  
 for  
**Far North Holdings Limited**  
**Stormwater Chamber & Culvert Extension**  
**Ashby's Boat Yard, Opua**

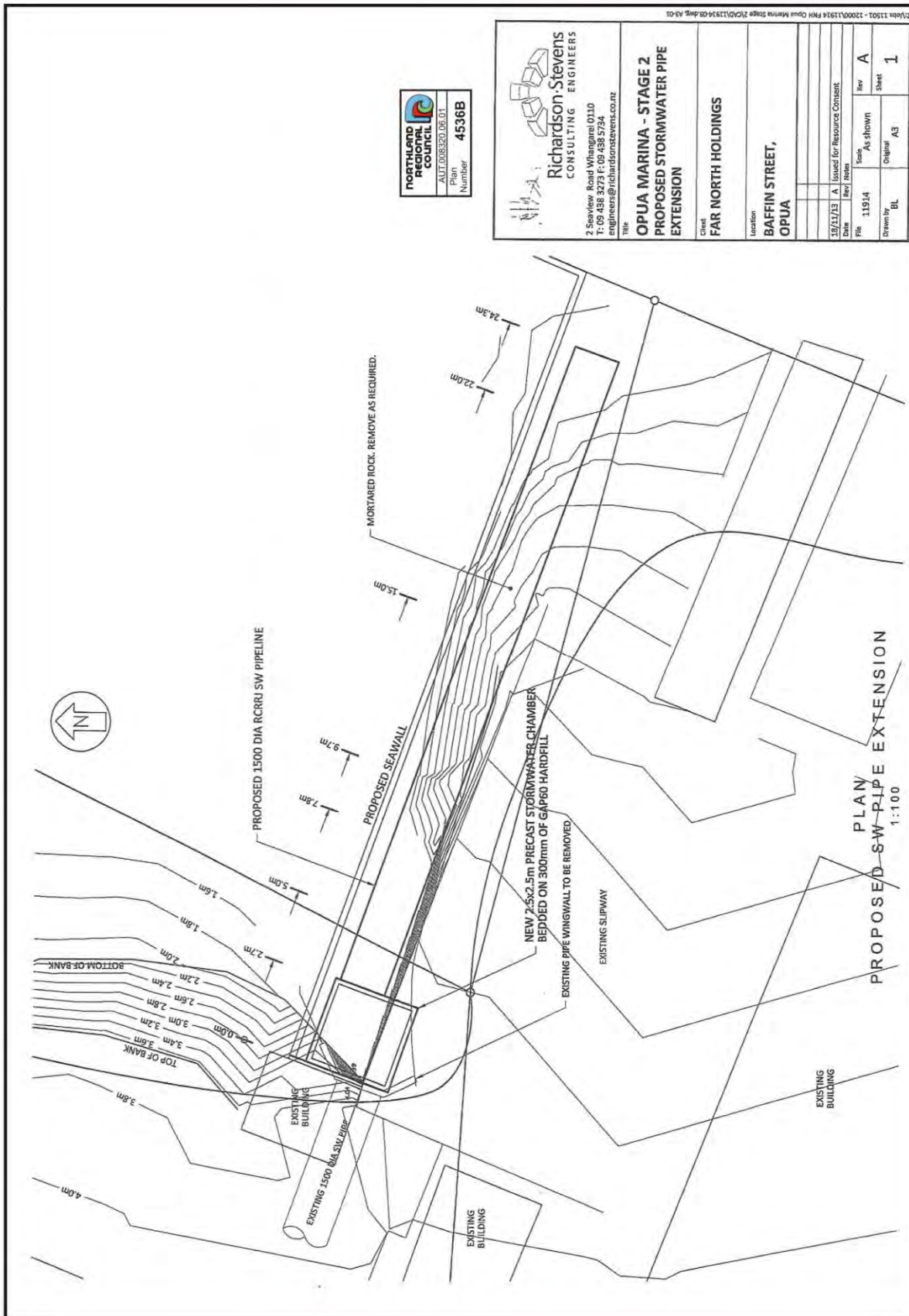
Scale: N.T.S.

Drawn: PMAX 07/14

App'd:

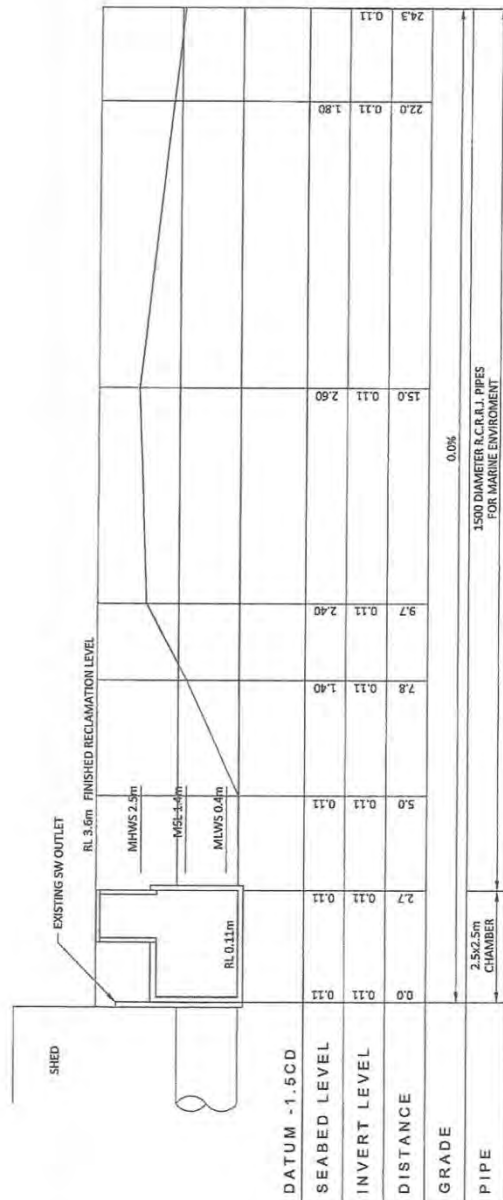
Plan No.

**4536A**




Z:\Jobs\11502 - 1200x1150 FPH Opuu Marina Stage 2\CD\11502-03.dwg, 14-01





LONGITUDINAL SECTION  
1:100



 <b>Richardson-Stevens</b> CONSULTING ENGINEERS 2 Seaview Road Whangarei 0110 T: 09 438 3273 F: 09 438 5734 engineers@richardsonstevens.co.nz	
<b>OPUA MARINA - STAGE 2</b> <b>PROPOSED STORMWATER PIPE</b> <b>EXTENSION</b>	
Client	FAR NORTH HOLDINGS
Location	BAFFIN STREET, OPUA
Date	18/11/13
File	11914
Drawn by	BL
Scale	As shown
Rev	A
Sheet	2

Z:\Jobs\11914 - 1200\11914 PNH Opuia Marina Stage 2\MC\11914-03.dwg AS-02

## **SCHEDULE 1**

### **ENVIRONMENTAL STANDARDS – NOISE**

#### **CONSTRUCTION**

The noise from all construction activities seaward of the line of Mean High Water Springs (MHWS) shall comply with the construction noise limits prescribed in NZS6803:1999 “Acoustics – Construction Noise” when measured at or within any site in the Residential, Coastal Residential zone or at or within the notional boundary of any other dwelling in any other rural or coastal zone not under the control of Far North Holdings Limited.

Construction noise shall comply with, and be measured and assessed in accordance with, the requirements of the Standard.

#### **CONSTRUCTION VIBRATION**

Vibration generated by construction activities shall comply with the provisions of DIN4150-3:1999 “Structural Vibration – Effects of Vibration in Structures”, including the limits stated therein for buildings and structures when measured and assessed on any building, structure or infrastructure not under the control of Far North Holdings Limited.

#### **OPERATIONAL NOISE**

For operational noise generated by activities in the floating breakwater and pontoon facility seaward of the line of MHWS, the following noise limits shall be complied with when measured at or within the notional boundary of any dwelling not under the control of Far North Holdings Limited:

0700 to 2000 hours	$L_{Aeq}$ 50 dB
2200 to 0700 hours	$L_{Aeq}$ 45 dB and
	$L_{Amax}$ 65 dB

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”, and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

A handwritten signature in black ink, appearing to read 'A R Watson', with a stylized, cursive script.

A R Watson  
Chairperson of the Hearings Committee  
6 October 2014



## DECISION OF THE FAR NORTH DISTRICT COUNCIL

Pursuant to sections 104 and 104B of the Resource Management Act 1991, the Far North District Council **GRANTS** consent, subject to conditions, to Far North Holdings Limited to a discretionary activity to undertake activities and construct buildings on a proposed reclamation and land use consent for activities that do not meet the permitted activity rules of the Far North District Plan by exceeding the allowed traffic movements, not meeting the parking requirements, and stormwater management not discharging to an urban system, all from facilities and development associated with the Ōpua marina expansion and reclamation at Baffin Street, Ōpua.

The reasons for the decision are included in the Decision Report of the Joint Hearings Committee of the Far North District Council and the Northland Regional Council appointed to hear and decide the district and regional consents associated with the proposal.

Pursuant to section 108 of the Resource Management Act 1991, consent is subject to the following conditions:

1. That the application proceeds in accordance with plans and information provided within the application and the updated building location plans and landscaping plan received on 8 July 2014, as modified by the Landscape Design Concept plans dated 30 August 2014 attached to the supplementary evidence of Simon Cocker dated 2 September 2014, and attached to this consent with the Council's "Approved Stamp" affixed to them.
2. That the Consent Holder provides formed, impermeable surfaced, marked, and suitably drained parking areas with associated vehicle manoeuvring compliant with the requirements of the District Plan for an additional 111 car parking spaces and two vehicle loading spaces. The loading spaces are to be positioned within close proximity to the proposed buildings for ease of servicing.
3. That the Consent Holder installs a stormwater 360 two stage storm filter system which includes a Vortcapture (model VC40) structure and a Diversion Manhole in the hardstand area and a ZPG storm filter in both areas of the car park, as detailed in the Engineer's Report prepared by NCC Consulting Engineers Ltd dated 22 January 2014 and submitted with the application.
4. That the Consent Holder extends the 1,500 mm diameter culvert that discharges at the edge of the existing slipway as detailed in the Engineer's Report prepared by NCC Consulting Engineers Ltd dated 22 January 2014 and submitted with the application.
5. That the Consent Holder shall obtain all necessary consents and install an internal sanitary sewer reticulation servicing the proposed development including a facility for emptying portable toilets for boat operators using the Marina.
6. That storage for wastewater purposes and with a minimum volume of 25,000 litres be provided on site so that wastewater can be stored and released to the Baffin Street Pump Station at off peak flow times to prevent overloading of the pump station. Details of the storage, the method to be used to control the timing of the discharge, and the main from the site to the Baffin Street Pump Station are to be provided prior to construction commencing on site.

7. The Consent Holder shall provide to Council a detailed landscape plan prior to the lodgement of any building consent or the commencement of any site works associated with the reclamation. The plan shall be in general accordance with the landscape concept plan prepared by Simon Cocker – Landscape Architect dated 6 July 2014, as modified by the Landscape Design Concept plans dated 30 August 2014 attached to the supplementary evidence of Simon Cocker dated 2 September 2014. The landscape plan shall be certified by Council's Duly Authorised Officer as fulfilling the requirements of this condition and shall include the following elements:
- A schedule of plant numbers and species types;
  - The final location of the proposed planted areas, any amenity paving, the wooden boardwalk, and any grassed areas;
  - The means and method of maintaining the proposed landscaping for a minimum of two further planting seasons or two years whichever is the longer;
  - A weed eradication plan and replacement planting program;
  - The materials and details for the timber boardwalk including the associated safety rail;
  - The materials and furnishings such as public seating, lighting poles, amenity lighting, litter bins, and other elements to be located within the outdoor space area;
  - The final scale and design of the proposed playground.

All landscaping is to be completed within six months of the final inspections for the buildings within the reclamation area or the final building consent inspection for building N2 and maintained thereafter.

8. The Consent Holder shall provide for the approval of Council an Esplanade Strip plan and instrument which provides for a minimum of 6 metre wide easement along the extent of the reclamation adjoining the Coastal Marine Area and which excludes the hard stand area immediately in front of Ashby's Boatyard. This instrument is to be completed within three months of the completion of the reclamation (in order that the easement can be correctly referred to on the appropriate survey plan). The Consent Holder shall provide a Solicitor's undertaking, once approved by Council, to register the instrument on the respective titles.
9. The Consent Holder shall provide for the approval of Council a pedestrian access easement from the required Esplanade Strip to the legal road which is to be a minimum of 3 metres wide. The position of the access will provide an important pedestrian link to the legal road from the esplanade strip. The Consent Holder shall provide to Council a final plan, associated legal documentation, and a Solicitor's undertaking to register the document on the applicable title(s).
10. 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 and local Iwi. 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.*

11. The Consent Holder shall provide a Construction Traffic Management Plan, prepared in consultation with the New Zealand Transport Agency and the Northland Regional Council, which shall include, but not by way of limitation, specific details relating to avoiding, remedying or mitigating any adverse effects of:
- Proposed numbers and timing of truck movements throughout the day and the proposed routes including the identification of heavy vehicle routes.
  - Safe and clear pedestrian access and thoroughfare on roads and footpaths adjacent to the site.
  - Construction traffic on local residents by avoiding traffic movements before 7.00 a.m. and after 8.00 p.m.
  - Construction traffic on the drop-off and pick-up times at the Ōpua Primary School by avoiding traffic movements between 8.45 a.m. and 9.15 a.m. and between 2.30 p.m. and 3.30 p.m., or alternative times as may be agreed with the School authorities.
12. For operational noise generated by activities in the marina above MHWS the following noise limits shall be complied with when measured at or within any site zoned Industrial that is not under the control of the Consent Holder:
- 0700 to 2200 hours,  $L_{Aeq}$  65dB  
2200 to 0700 hours,  $L_{Aeq}$  55dB and  $L_{Amax}$  80dB.
13. For operational noise generated by activities in the marina above MHWS the following noise limits shall be complied with when measured at or within any site zoned Industrial that is not under the control of the Consent Holder:
- 0700 to 2200 hours,  $L_{Aeq}$  55dB  
2200 to 0700 hours,  $L_{Aeq}$  45dB and  $L_{Amax}$  70dB.
14. Sound levels shall be measured in accordance with New Zealand Standard NZS6801: 2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS6802: 2008 Acoustics-Environmental noise.

**Advice Note:** *The discharge from the Marina is classified as Trade Waste and the Consent Holder will be required to enter into a Trade Waste Agreement under the Council's Trade Waste Bylaw. The agreement will deal with, among other things, odour control.*

## Statutory Information

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the commercial development to which this consent relates is subject to development contributions.

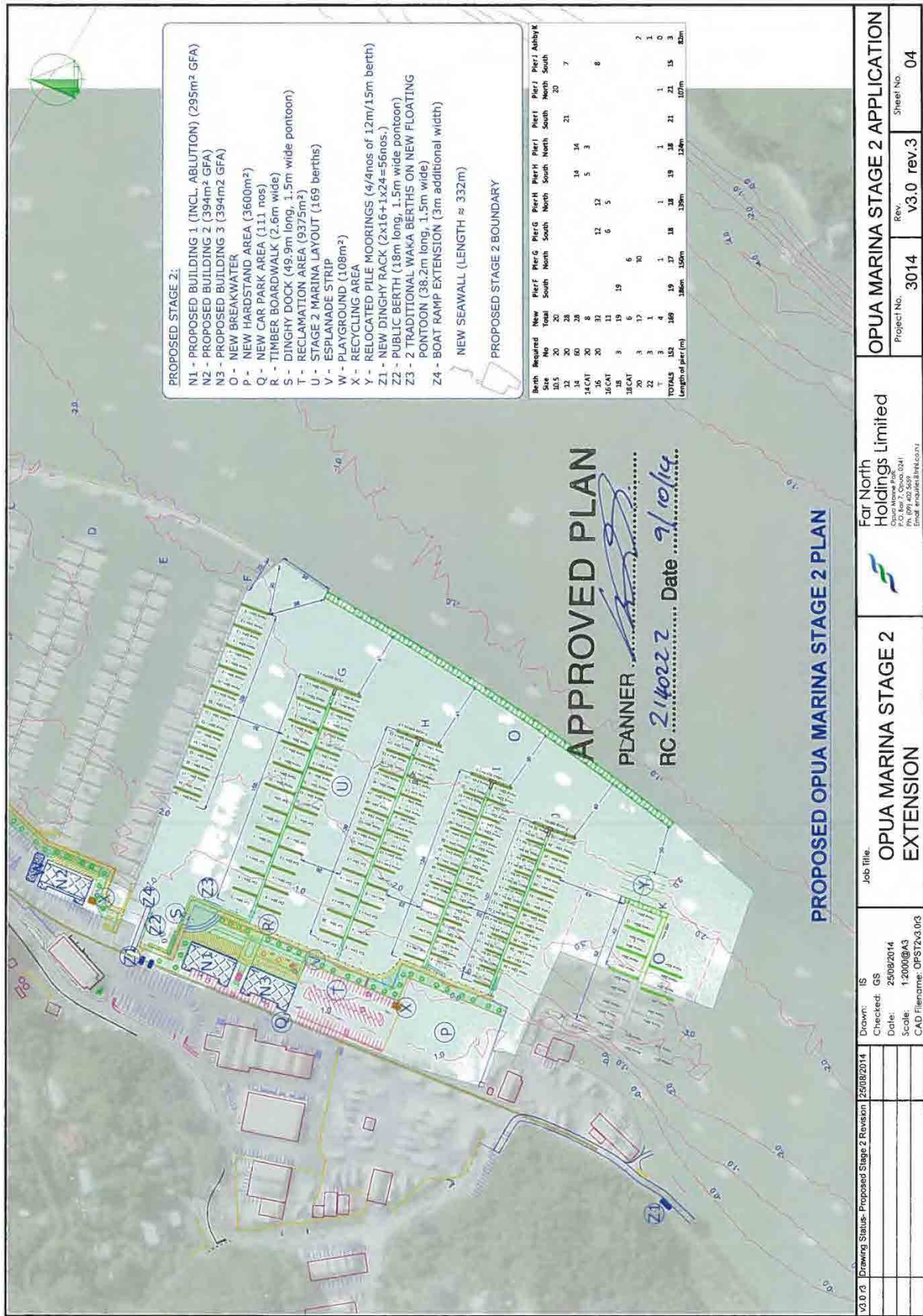
You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at [www.fndc.govt.nz](http://www.fndc.govt.nz).







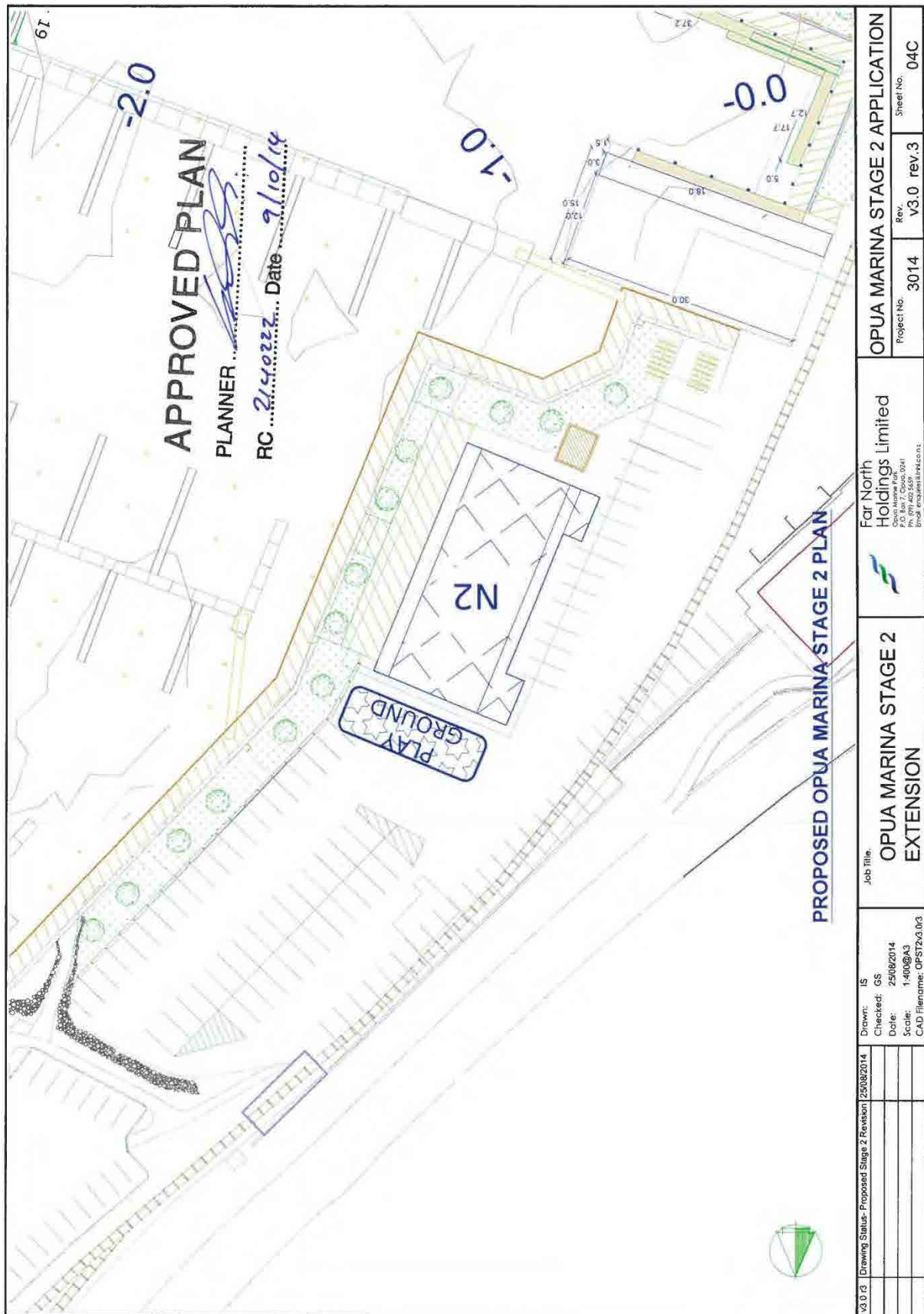


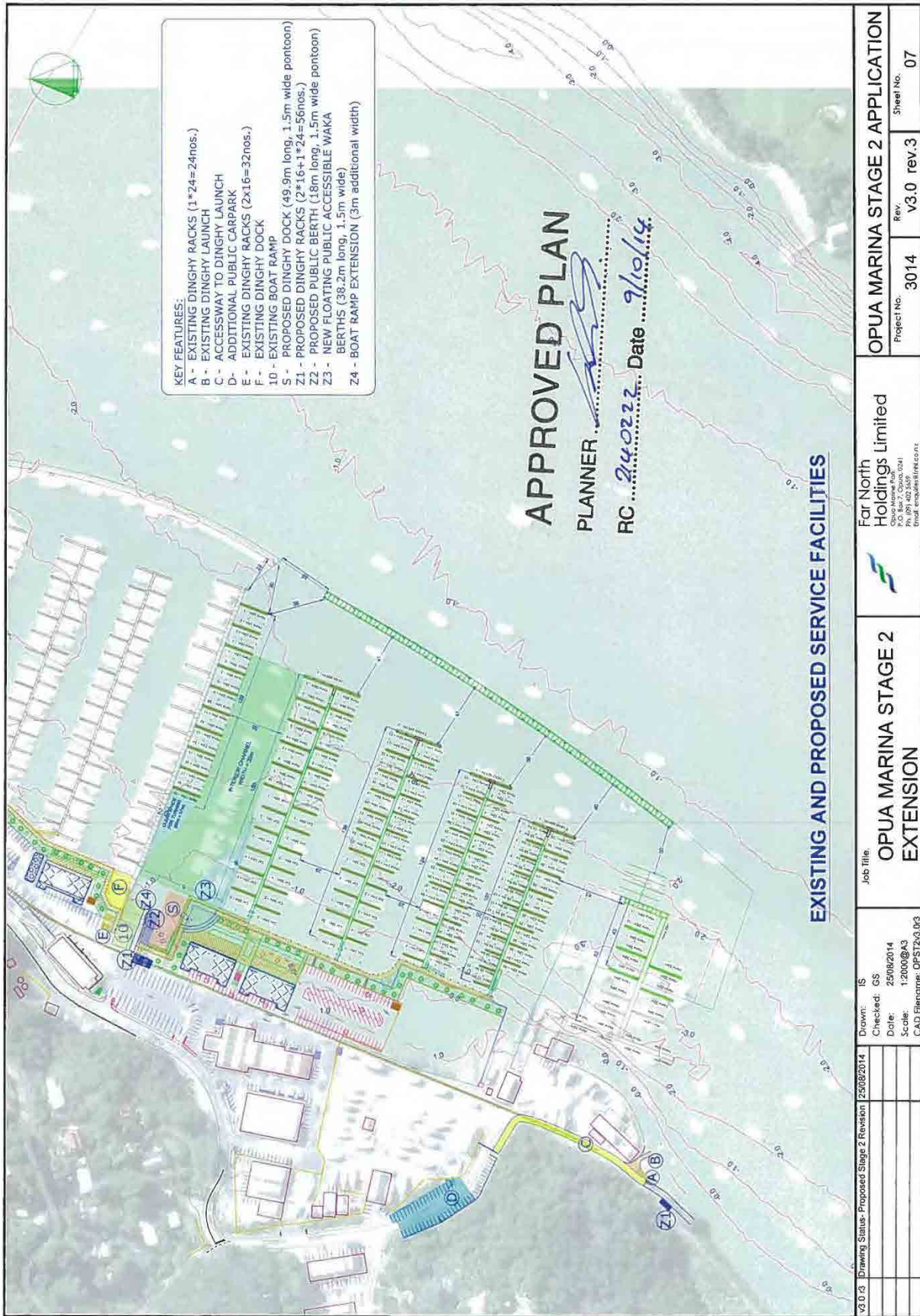


v3.0.03 Drawing Status: Proposed Stage 2 Revision 25/08/2014	Drawn: IS	Checked: GS	Date: 25/08/2014	Job Title: OPUA MARINA STAGE 2 EXTENSION	Far North Holdings Limited	Project No: 3014	Rev: v3.0 rev.3	Sheet No: 04A
CAD Filename: OPST23.03	Scale: 1:1000@A3	Date: 25/08/2014	Date: 25/08/2014	Job Title: OPUA MARINA STAGE 2 EXTENSION	Far North Holdings Limited	Project No: 3014	Rev: v3.0 rev.3	Sheet No: 04A

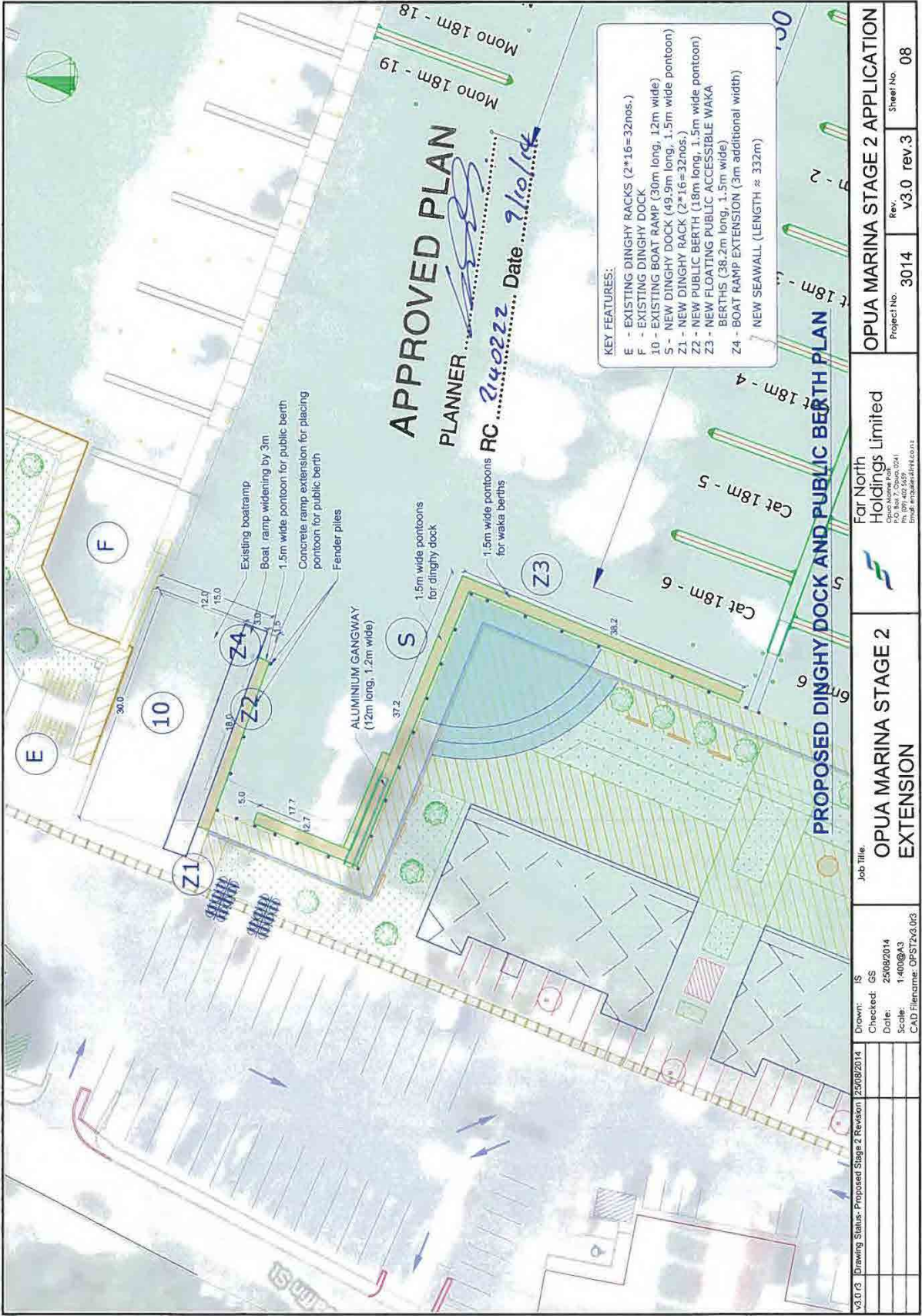




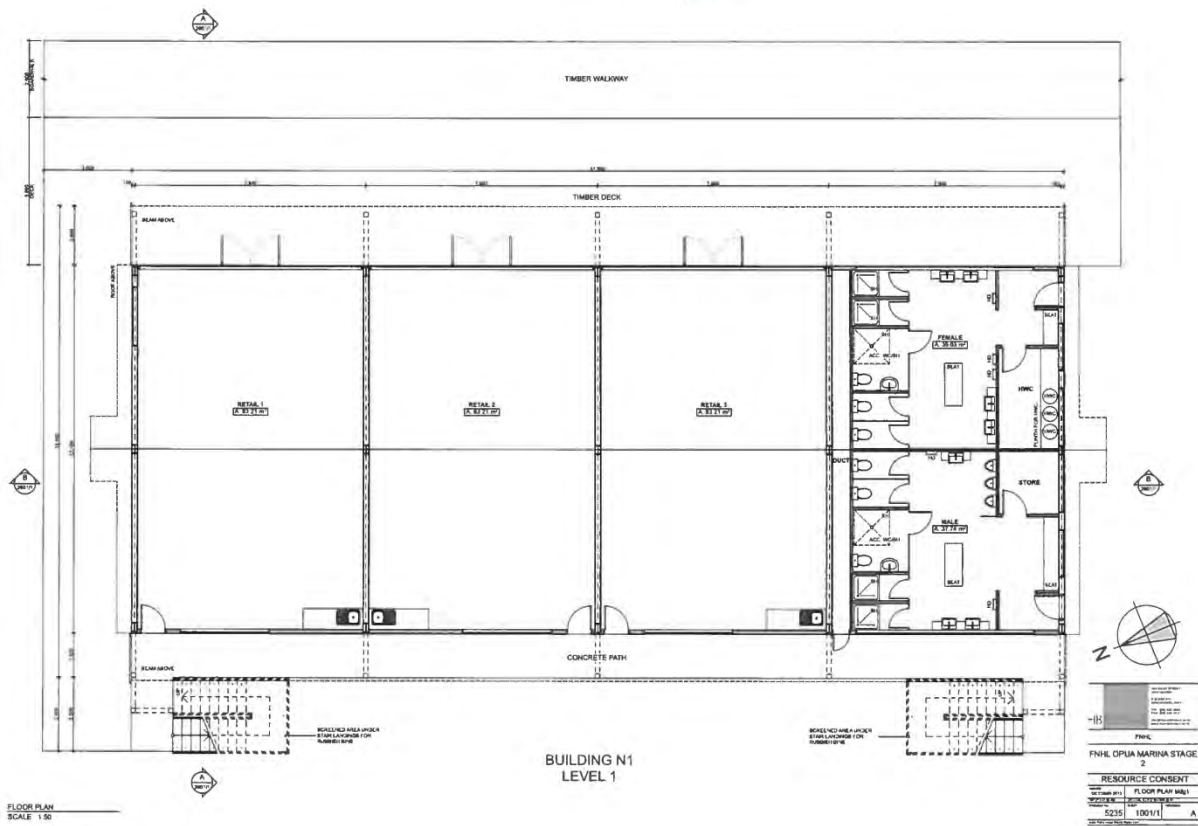






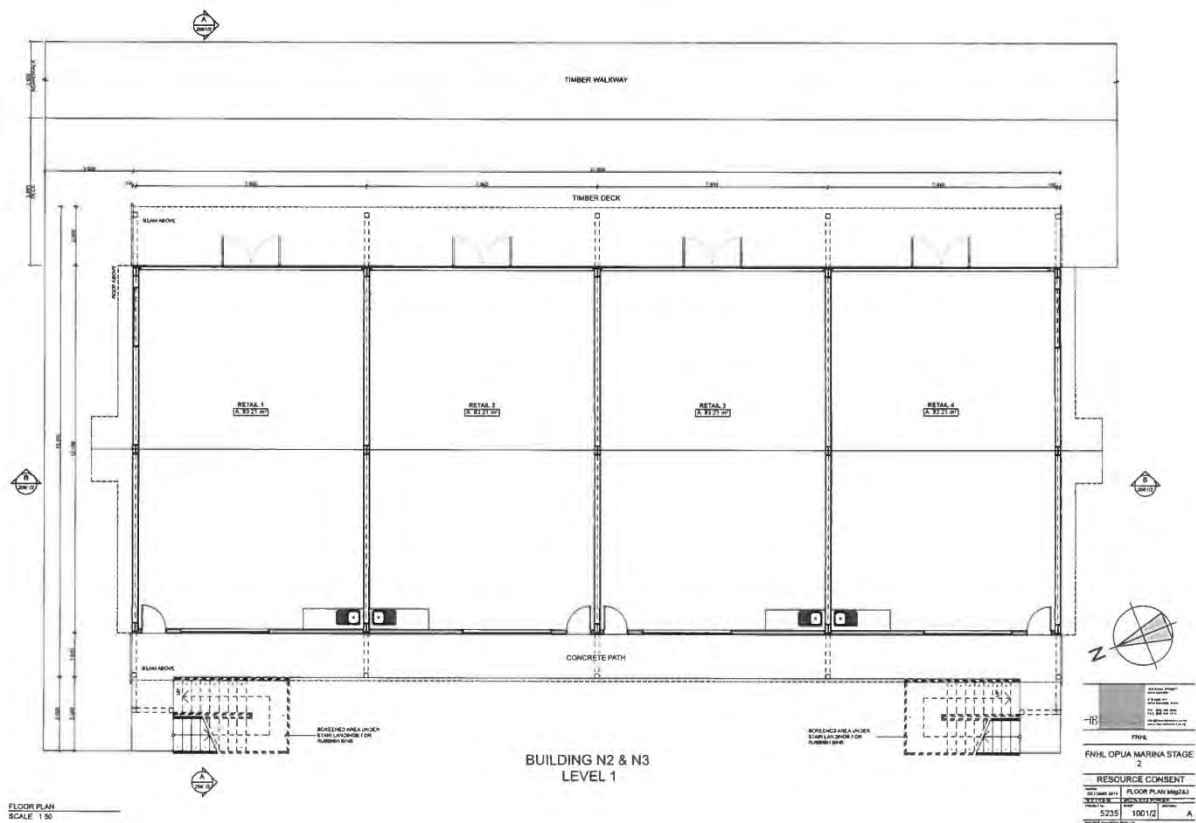


APPROVED PLAN  
 PLANNER *[Signature]*  
 RC 240222 Date 7/10/14

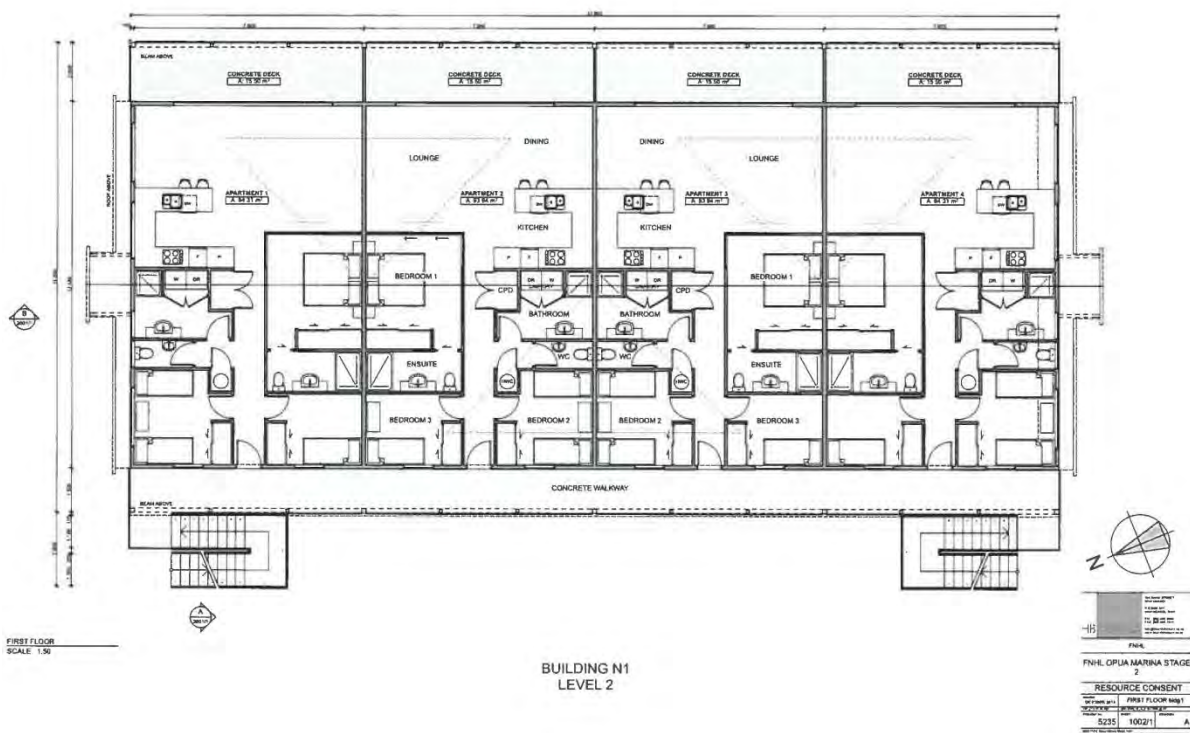




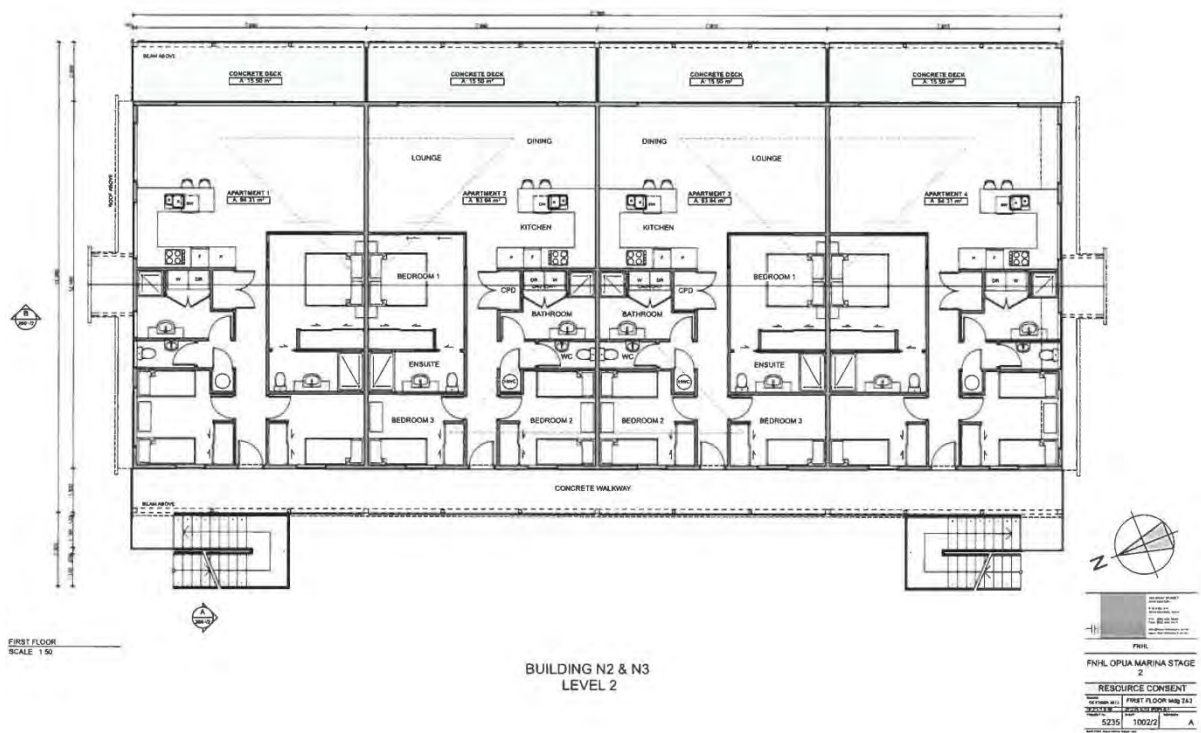
APPROVED PLAN  
 PLANNER *[Signature]*  
 RC 2140222 Date 9/10/14



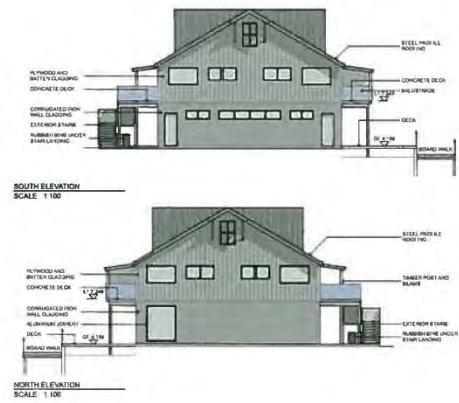
APPROVED PLAN  
 PLANNER *[Signature]*  
 RC 2440222 Date 9/10/14



APPROVED PLAN  
 PLANNER *[Signature]*  
 RC 2/4/2022 Date 9/10/14

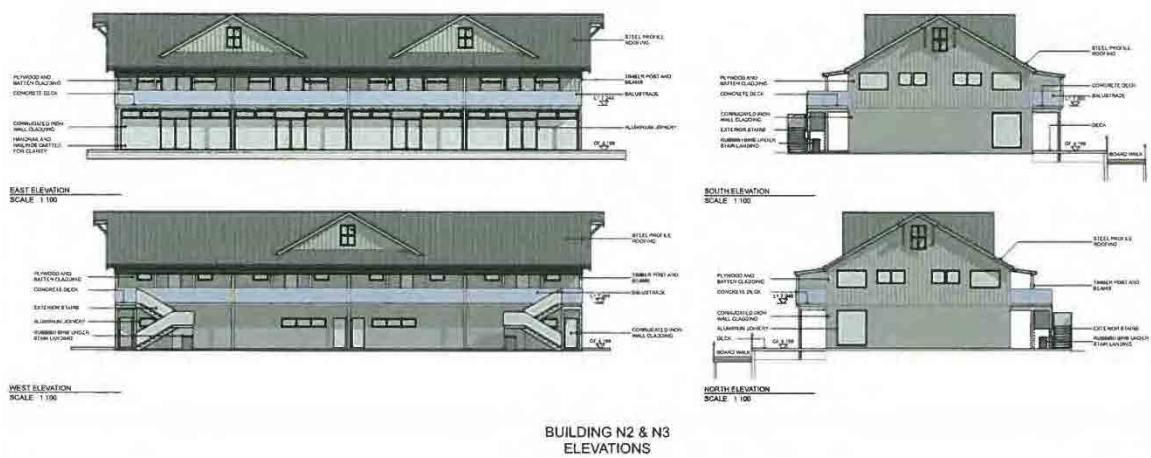


APPROVED PLAN  
 PLANNER *[Signature]*  
 RC 240222 Date 9/16/14

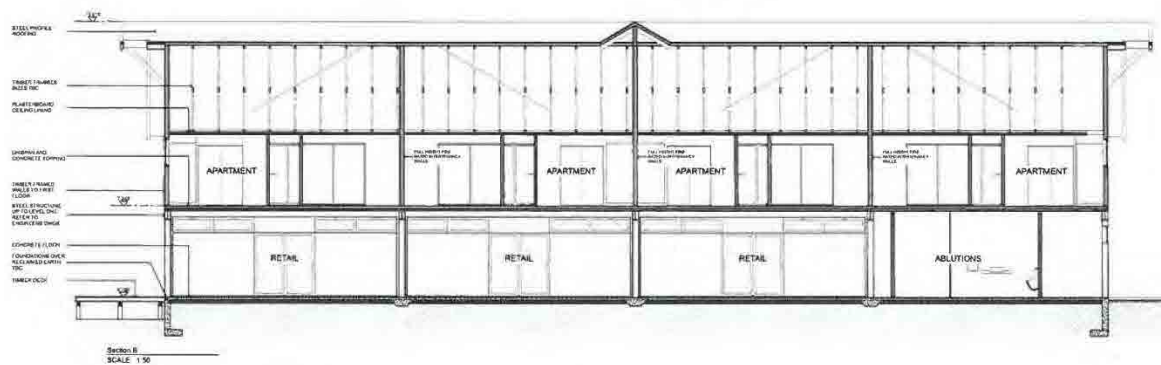


BUILDING N1  
 ELEVATIONS

FILE: OPJA MARINA STAGE 2	
RESOURCE CONSENT	
5235	200001
A	



	Box Number of 10000 10000-10000
	10000-10000 10000-10000
	Box 10000-10000 10000-10000
	10000-10000-10000 10000-10000-10000
	10000-10000-10000 10000-10000-10000
FIVE	
FIVE, OPIA MARINA STAGE	
2	
RESOURCE CONSENT	
10000-10000-10000	ELEVATIONS July 28/1
10000-10000-10000	10000-10000-10000
5235	2000/2
	A



### TYPICAL CROSS SECTIONS

05/20/2005 20:12

SECTION: Mg

OFFICE: FBIHQ

DATE: 2001/1



## Key

1. Indicative play area.
2. Low shrub planting (900 - 1200mm). Planting to be native coastal species. The planting theme seeks to include a variety of native and exotic plant species, whilst maintaining the primary theme of pohutukawa (this being a characterizing species on the coast in this locality). The proposed species will have the ability to thrive in the exposed situation.
3. Tree planting (*Metrosideros* 'Maori Princess' or similar).
4. 2600mm wide boardwalk.
5. Bench seat - wharf character, fabricated from recycled concrete or timber.
6. Terraced grass area, with terraces separated by low retaining walls, approx. 400mm high, and stepping down towards the water.
7. Recycling area.
8. Low to medium shrub planting (1200 - 1800mm), with groups of nikau and native trees including puka and karaka.
9. Slipway.
10. Dinghy racks.
11. Low to medium native and exotic shrub planting (up to 1200mm), with groups of nikau.
12. Broad promenade with bench seating and specimen trees. Level: 500mm above level of boardwalk.
13. Potential location for pou or other cultural feature. Such features and spaces are to be finalised with input from hapu with interests in the area.
14. Dinghy dock.

NOTE: Levels shown are indicative.



APPROVED PLAN  
PLANNER: [Signature]  
RC: 2/14/2014  
Date: 2/14/2014

## Key

15. Cultural gathering / meeting space. Paving pattern to reflect cultural values. Shade sails over space provide shelter and accentuates the importance of the space as a focal point.
16. Waka berths.
17. Multi-use raised grass area with terraces, separated by low retaining walls, stepping down towards water.
18. Potential location for pou or other cultural feature.
19. 2600mm timber boardwalk.
20. Bed with native and exotic species 300 x 1000mm and avenue of nikau or cabbage trees.
21. Broad timber steps.
22. Bench seat - wharf character, fabricated from recycled concrete or timber.
23. Multi-use raised grass area with terraces. Includes two barbeque areas, and picnic tables which are located on the terrace above.
24. Tree planting (*Metrosideros* 'Maori Princess' or similar).
25. Low shrub planting (900 - 1200mm), eg. *Apodasmia similis* (oiio) within rainwater swale to filter stormwater before discharging to drains.
26. 2600mm timber boardwalk with 'scallop' seating / car park access areas.
27. Bench seats (5.0 metres in length).
28. Grass areas within esplanade strip, separated by 'scallop' timber seating areas. The intent of these 'scallops' is to reduce the linear form of the boardwalk.
29. Specimen trees with low shrub planting beneath (900 - 1200mm).
30. Specimen tree planting (*Metrosideros* 'Maori Princess' or similar).
31. Recycling area.
32. Circular, partially sheltered garden area, enclosed by trees (karaka, nikau, puka and kowhai) and shrubs and bisected by railway sleeper path. Circular form of garden is defined by curved bench seat. The intent is that this garden provides an enclosed space which contrasts with, and offers variety from the other spaces within the development.

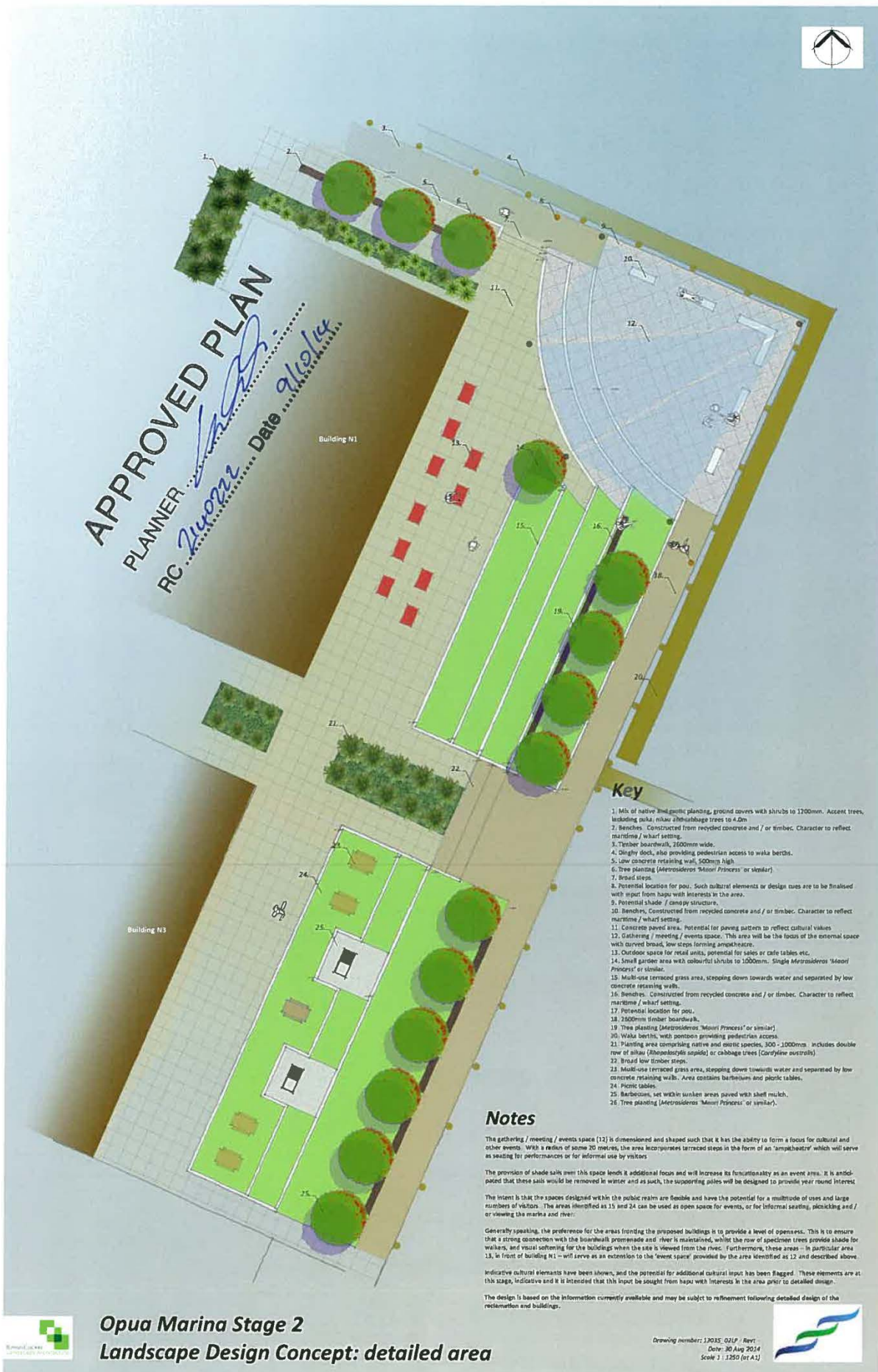
Images to illustrate character themes for landscape concept



## Opua Marina Stage 2 Landscape Design Concept

Drawing number: 13035\_01LP - Rev: A  
Date: 30 Aug 2014  
Scale 1 : 500 (at A2)







A handwritten signature in black ink, appearing to read 'A R Watson', with a stylized, cursive script.

A R Watson  
Chairperson of the Hearings Committee  
6 October 2014