

Dear Ms. Sluys, re; 39650 ASLU. Thanks for the opportunity to make further comments. Please note my points raised here regarding your staff report for the D Schmuck application and the new plan provided on 19th April 2018 :-

4.1.1 *Effects on Visual Amenities, Landscape and Natural Character*

Page 18- *"The proposed site is not located within an area identified in the RPS maps as having high natural character nor are there any outstanding natural landscapes or outstanding natural features in the vicinity of the proposed works. The application site and landscape displays a modified and developed character with existing commercial structures including the Applicant's existing coastal and land based structures, the nearby Ōpua Wharf and the existing cluster of moored vessels, which have the effect of extending the man-made character out from the shoreline and into the CMA.*

P47, 197, It has been determined that the level of natural character of the site is not high and that the proposed structures are an appropriate use of the CMA in the locale."

The above passages are one-sided, badly worded and misleading.

Nobody is claiming the Bay has virgin bush or coastline reminiscent of 150 years ago but what is left needs to be retained. It is unfortunate that Council shows bias and sees no reason to restrain further inappropriate industrial development in scenic areas. The local residents are protective of Wall's Bay's existing environmental values along the present waterfront and surrounds. It is frequently admired for its scenic qualities and naturalness along the national North Cape to Bluff walkway. The proposed changes and consent asked for will destroy its special qualities. As the boatyard is primarily responsible for the coastal change, it must not be allowed to modify it further.



Council says this background is not a highly valued natural feature.

The proposed mudcrete and service berths would be placed approximately inline with and amongst the flowering pohutukawa trees in this photo.

Such a proposal to occupy, carry out repairs and maintenance in this Coastal Marine Area photographed would be detrimental to the environmental landscape and also add risk to water, air and noise pollution. Any service berths added here for repairs and maintenance are inappropriate, undesirable additional activities for this anchorage.

139. NZCPS Policy 18 :Public Open Space b.

"taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;"

It should be noted that the present extent of Wall's Bay's modified character, is entirely due to D Schmuck's boatyard occupation and operation from what was originally a residential site. He changed it, modified it and should confine boat repairs and maintenance entirely to within his own land without any further encroachment. Wall's Bay Basin is otherwise a relatively peaceful, harmonious, pleasant mooring and berthing zone, surrounded on three sides by residential dwellings. The Opua wharf is used only for mooring, loading and unloading of vessels while being far enough away to not at all be intrusive.

Should consent be granted it would be a tragedy, destroying the ambience of the Basin forever. Repairs and maintenance work needs to take place in appropriately zoned sites outside of Wall's Bay or within his own land. Any desire to expand should involve relocation.

4.1.3. Effects on Public Access and Recreational Values

"The placement of the proposed rock seawall is intended to improve the security of the public access along a 40 metre section of the public walkway, which will continue on from the existing rock seawall just north of the proposed jetty facility location."

The claims made above are misleading.

The walkway is as safe, sound and secure here as it is for most of the walkway to Paihia. Statements of the walkway requiring repairs are exaggerated. It sits on a rocky base and has shown very little sign of erosion over the past 50 years. The minimal amount of overburden mentioned from the small slip 4 years ago is stable.

D Schmuck's proposal is more of a patronizing, self-serving move, an excuse to reclaim and build a 40 metre long, 2 metre wide platform above a seawall for his benefit and to dispose of dredging sediment.

A seawall would only be required to prevent accelerated erosion brought about by stronger currents and tidal effects caused by his dredging.

It would be detracting and not in harmony with the surrounding natural features of the national walkway.



Walkway does not require interference by boatyard.



The stable slip does not require attention



These trees are situated on the walkway and could be subject to destruction as they are within the expanded boundary of occupation applied for and proposed wall construction.

Proposed dredging and expansion of the Boundary of Occupation is also going to encroach onto these trees. They must be protected from any construction, dredging and occupation. Council must insist on a substantial bond to discourage any form of damage to them should some of the consents eventually be approved.

143. NZCPS Objective 1

"To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: "maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature"

The shellfish bed must not be interfered with.

A proposal to uplift them and then return to an environment changed from level to a slope of 1:6 as shown in the new plans provided is flawed and will not lead to their survival. These species of shellfish grow in flat, sandy/muddy habitats only, not on slopes. There is no plan to protect them from later maintenance dredging, obviously in anticipation of their demise.

APP.039650.09.01 Coastal Permit to:-

"Disturb the foreshore and seabed during demolition and removal of unwanted structures, jetty reconstruction and slipway refurbishment, seawall construction, and during beach refurbishment activities".

Detailed drawings are missing in the plans provided 19th April, showing the change a steep 1:4 slope will have, on the "slipway refurbishment" connection at the boundary of the walkway and public reserve.

This 1:4 slope could have a major impact on the landward structure. Any earthworks involving the above public land must be shown and publicly notified before further consideration.

1.1 Extension to Authorised Exclusive Occupation Area of the CMA. p24

"The application also seeks the exclusive use of parts of the reconstructed jetty facility adjacent to the mudcrete grids and the working berths and marina berths by restricting access with a locked swing gate for reasons of safety and security".

D Schmuck wants the privilege of having his own new jetty on the publicly owned foreshore and seabed.

In asking for this favour, he must accept the conditions that apply to the existing conforming jetty that allows public access, free of restrictions. He has an occupation right, not an exclusive right.

Council must acknowledge that this Bay has primarily been a mooring and anchorage area for more than 100 years and still is. It is in fact a recreational asset with an ever-increasing need for access by the public. Any jetty on this prime site must benefit and enhance recreational activities and coastal access for everyone, not his business alone. It would be bad practice to have D Schmuck deciding who can and cannot have temporary access. Health and safety issues have not been an issue in the past, and are no more than minor.

There is an ever-growing need for a jetty facility to enhance public access at Wall's Bay *"and not a reduced necessity,"* as stated in the NRC staff report.

All visitors and most locals are under the impression this entire area is privately owned and controlled. As a result, potential users are led to believe they have to be customers of the boatyard to gain use.

The reason present use of the jetty is not high can be explained:-

1. There is no sign on the jetty to indicate it is available to the public.
2. There is no sign on the shore to indicate there is a public Esplanade Reserve.
3. The public are discouraged and put off by the presence of only commercial signs.

Section 6 of RMA. P288-

"In addition, it must be acknowledged that the site has already been developed and authorised for boat maintenance and chartering purposes. The foregoing factors contribute to the low natural character values of the area and the further development as proposed would be appropriate and have no more than minor adverse effects on natural character"

Please note, the jetty has never been authorised for boat repairs, only for normal washing and valet like maintenance.

Also, contrary to the applicant and staff report attempting to describe the Bay in the manner above, there is no commercial activity apart from D Schmuck's own, that disrupts the serenity and harmony of the environment within the Bay.

There is marine transport, boat hire and moorings provided, between 280 to 400m. distant from Wall's Bay Reserve, as well as the local store and Opuia Cruising Club which all add to the local character of the Bay. Great Escape Charters also operates from the jetty providing a popular, well run sailing school and boat hire service. The local hall 200m. away, blends in harmoniously beyond the foreshore. None of this disturbs or detrimentally affects Wall's Bay in the manner boat repairs and maintenance berths would. Any detrimental effects of the Boatyard on the natural character of the area must be restrained and any further damage prevented by, in the first instance, refusing consent to this application.

Both residents and visitors continue to admire the present harmonious nature of its environment, especially when the boatyard confines work entirely within its own land, set back behind the Esplanade Reserve.

Most activities of the nature proposed by D Schmuck take place almost half a kilometer away. The Opuia Marina extends a further three quarters of a kilometer southward where commercial boatyard operations are concentrated. Despite the applicant's claims, this has the effect of leaving Wall's Bay somewhat remote and protected from commercial expansion as shown below.



As can be seen, Wall's Bay is completely separate from the main commercial zone.

The proposal will have far more than minor effect on the visually significant natural character, environment and landscape within Wall's Bay.

Regard should also be had to Policy 6 of the National Coastal Policy Statement:-

“to recognise the activities that do not have a functional need for location in the coastal marine area and generally should not be located there” and the associated Objective 4: “To maintain and enhance public open space and space qualities and recreational opportunities of the coastal environment by recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy and maintaining and enhancing public walking access to and along the coastal marine area”.

D Schmuck's personal wishlist does not justify any functional need for dredging new channels, reclamation walls, additional pontoons, mudcrete grids, marina berths, damaging shellfish beds, slipway refurbishment, extending the wharf or changing the waterflow pattern. These would all adversely affect the natural character values even further.

Signed- D Dysart