

**BEFORE THE NORTHLAND REGIONAL COUNCIL HEARINGS  
COMMISSIONER**

**IN THE MATTER** of an application under section 88 of the Resource Management Act 1991 (Act)

**AND** an application by Doug's Opuā Boatyard for resource consents relating to the redevelopment of the existing boatyard located at 1 Richardson Street, Opuā, and a consequential application to vary the conditions of the Interesting Projects Ltd (Great Escape Yacht Charters) resource consent.

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**MEMORANDUM OF COUNSEL FOR THE APPLICANTS IN  
RESPONSE TO MINUTES 4 AND 4A**

**Dated this 11<sup>th</sup> day of September 2020**

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**Henderson Reeves Connell Rishworth Lawyers**

Solicitor: Colleen Prendergast

96 Bank Street  
PO Box 11  
Whangarei 0140

P: +64 9 430 4350  
F: +64 9 438 6420  
E: colleenp@hendersonreeves.co.nz

## Introduction

1. The Commissioner, in Minute 4, dated 4 September 2020, and Minute 4A, dated 7 September 2020, sought further information from Mr Stacey, Mr Hood, Mr Papesch and the applicants.
2. This memorandum provides the responses to those requests, with the exception of that from Mr Papesch. Mr Papesch was otherwise committed during this week and was granted an extension until Tuesday 15 September 2020.
3. **Mr Stacey** was referred to the restrictions contained in the conditions relating to water blasting and the application of antifouling and paints, and requested to provide *“the rationale behind the recommended wind angles, in particular the reasons behind why the arc is not equally north and south of east.”*<sup>1</sup>
4. He responds:
 

“The wind angles proposed are based on the layout of the boatyard, working areas and surrounding property (including the reserve and walkway) and have been designed to carry emissions away from the reserve and walking track. The prevailing winds were not considered as part of developing the wind conditions, with it being fortuitous that prevailing winds essentially align with these directions.

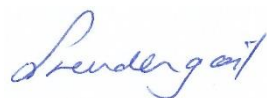
See attached Figure 1 (Wind Condition Explanation) which shows the direction air discharges will travel based on a wind angle of 45° through to 170°. Winds from a bearing of 45° will carry emissions to the southwest, towards the boat yard and winds from a bearing of 170° will carry emissions towards the bush/rainforest, located to the north northwest of the slipway, an adjacent area that is not occupied by sensitive receptors. Given that the terrain slopes upwards towards the north and that the nearest receptor is at least 50 m from the point of discharge, locations to the north northeast are unlikely to be affected by air discharges, hence why winds from this direction are not excluded by the proposed condition.”
5. A copy of Mr Stacey’s email and Figure 1 is **attached**, marked “**A**”.
6. **Mr Hood** was requested to work with Mr Hartstone to advise first, whether there was a condition requiring vessels to be pulled up the slipway as far as practicable before being water blasted; and second, to recommend such a condition if one does not exist.<sup>2</sup>
7. Mr Hood and Mr Hartstone have consulted, but have not come to an agreement. Mr Hood considers that it is a matter appropriately left dealt with as part of the Operational Management Plan, and has recommended an addition to Condition 7 accordingly. Mr Hartstone considers the condition should be explicit.
8. A copy of Mr Hood’s response, together with a copy of the email chain between Mr Hood and Mr Hartstone is **attached**, marked “**B**”.

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<sup>1</sup> Minute 4A, para 15

<sup>2</sup> Ibid, para 14

9. The **Applicants** were requested to provide further information on whether there are security gate options available to allow for automatic locking and unlocking of the security gate.<sup>3</sup> In fact, Mr Hood and Mr Hartstone worked on this, and a copy of the email chain is **attached**, marked “C”. This matter is also addressed by the applicants below.
10. The **Applicants** were also requested to provide further information on:
  - (a) Why the proposed wharf is proposed to be further north than the existing wharf when, according to Mr Schmuck’s evidence it doesn’t need to be;<sup>4</sup> and
  - (b) Whether the current design of the marina berth pontoon will provide for casual berthing, and if not, whether changes could be made to the design to provide for such use in addition to the marina berths.<sup>5</sup>
11. Mr Schmuck<sup>6</sup> and Mrs Kidman<sup>7</sup> have worked together to produce a statement covering both of the above aspects, together with a comment on the timing of controlled entry for reasonable public access. In essence as to the latter, the statement maintains the position that reasonable public access in accordance with the condition proposed in the applicants’ reply submissions, and should be no more liberal than that existing on similar marina structures throughout New Zealand.
12. The proposed location of the wharf is to a large extent dictated by the alignment of the slipway in relation to the wharf. In that regard, it seems that Mr Schmuck either misunderstood or mistook the reason for the question asked at the hearing.
13. The statement also addresses the changes that could be made to allow for reasonable public berthing at the marina pontoon. It proposes an additional finger to the existing pontoon to provide for “casual” public berthing of no longer than an hour at any one time, in accordance with a number of proposed conditions. Should that not be acceptable, the applicants will revert to the application as lodged and considered to date.
14. A copy of the applicants’ statement is **attached**, marked “D”.




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C Prendergast  
Counsel for the applicant  
11 September 2020

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<sup>3</sup> Minute 4A, para 7

<sup>4</sup> Ibid, para 16

<sup>5</sup> Ibid, para 18

<sup>6</sup> On behalf of Doug’s Opua Boat Yard (DOBY)

<sup>7</sup> On behalf of Great Escape Yacht Charters (GEYC)





## Sarah Wainwright

---

**From:** Peter Stacey <Peter.Stacey@ghd.com>  
**Sent:** Monday, 7 September 2020 5:46 PM  
**To:** Colleen Prendergast; 'Doug & Helen Schmuck (totarahill@xtra.co.nz)'; 'Brett Hood (brett@reyburnandbryant.co.nz)'; 'John Papesch'  
**Subject:** RE: APP.041365.01.01 - DC Schmuck & Interesting Projects Ltd - Minute 4A  
**Attachments:** 12535397 Z001 Wind Direction Condition Explanation.pdf

Hi Colleen,

See below my response to the Commissioners question set out in Minute 4A, paragraph 15.

### Minute 4A, Paragraph 15

*"As noted in the previous paragraph, Condition 80 includes wind restrictions for water blasting and application of antifoulant and paints, namely when windspeed is >0.5 m/s and the wind is blowing up the slipway through an angle of 45 to 170 degrees – the wind angle restriction is also included in Condition 89 (which may be an unnecessary duplication of Condition 80 as it covers application of all paints, including diisocyanate paints). A question I forgot to ask Mr Stacey at the hearing relates to the wind angles. I had assumed the wind coming from the eastern 'quarter' (between 45 and 135 degrees, being equally 45 degrees north and south of east), however it includes additional southeasterly angles (between 135 and 170 degrees). I request further information from **Mr Stacey** regarding the rationale of the recommended wind angles, in particular the reasons behind why the arc is not equally north and south of east."*

### Response

The wind angles proposed are based on the layout of the boatyard, working areas and surrounding property (including the reserve and walkway) and have been designed to carry emissions away from the reserve and walking track. The prevailing winds were not considered as part of developing the wind conditions, with it being fortuitous that prevailing winds essentially align with these directions.

See attached Figure 1 (Wind Condition Explanation) which shows the direction air discharges will travel based on a wind angle of 45° through to 170°. Winds from a bearing of 45° will carry emissions to the southwest, towards the boat yard and winds from a bearing of 170° will carry emissions towards the bush/rainforest, located to the north northwest of the slipway, an adjacent area that is not occupied by sensitive receptors. Given that the terrain slopes upwards towards the north and that the nearest receptor is at least 50 m from the point of discharge, locations to the north northeast are unlikely to be affected by air discharges, hence why winds from this direction are not excluded by the proposed condition.

Thanks

Peter

---

**From:** Colleen Prendergast  
**Sent:** Monday, 7 September 2020 10:48 AM  
**To:** 'Doug & Helen Schmuck (totarahill@xtra.co.nz)'; 'Brett Hood (brett@reyburnandbryant.co.nz)'; 'John Papesch'; Peter Stacey  
**Subject:** FW: APP.041365.01.01 - DC Schmuck & Interesting Projects Ltd - Minute 4A

Morning all

Please see the amended Minute attached. Please have the further information requested to me by no later than 5pm on Thursday 10 September 2020.

Just be aware I have gone back to Ali suggesting 18 September as the date for any reply by us to the further info requested from the Council. Will keep in touch

Regards  
Colleen

**Colleen Prendergast BTP LLB**  
Consultant



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---

**From:** Alissa Sluys [<mailto:alissas@nrc.govt.nz>]

**Sent:** Monday, 7 September 2020 9:52 a.m.

**To:** Colleen Prendergast <[ColleenPrendergast@hendersonreeves.co.nz](mailto:ColleenPrendergast@hendersonreeves.co.nz)>; Julie K Great Escape Sailing <[info@greatescape.co.nz](mailto:info@greatescape.co.nz)>

**Subject:** APP.041365.01.01 - DC Schmuck & Interesting Projects Ltd - Minute 4A

Good morning,

Please find attached Minute No. 4A, it is an amendment to Minute 4. It includes information requests for Brett Hood and Mr Stacey, and additional information for the Applicant (and Mr Hartstone).

**Ngā mihi**

**Alissa Sluys**

Consents & Hearing Administrator

**Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau**



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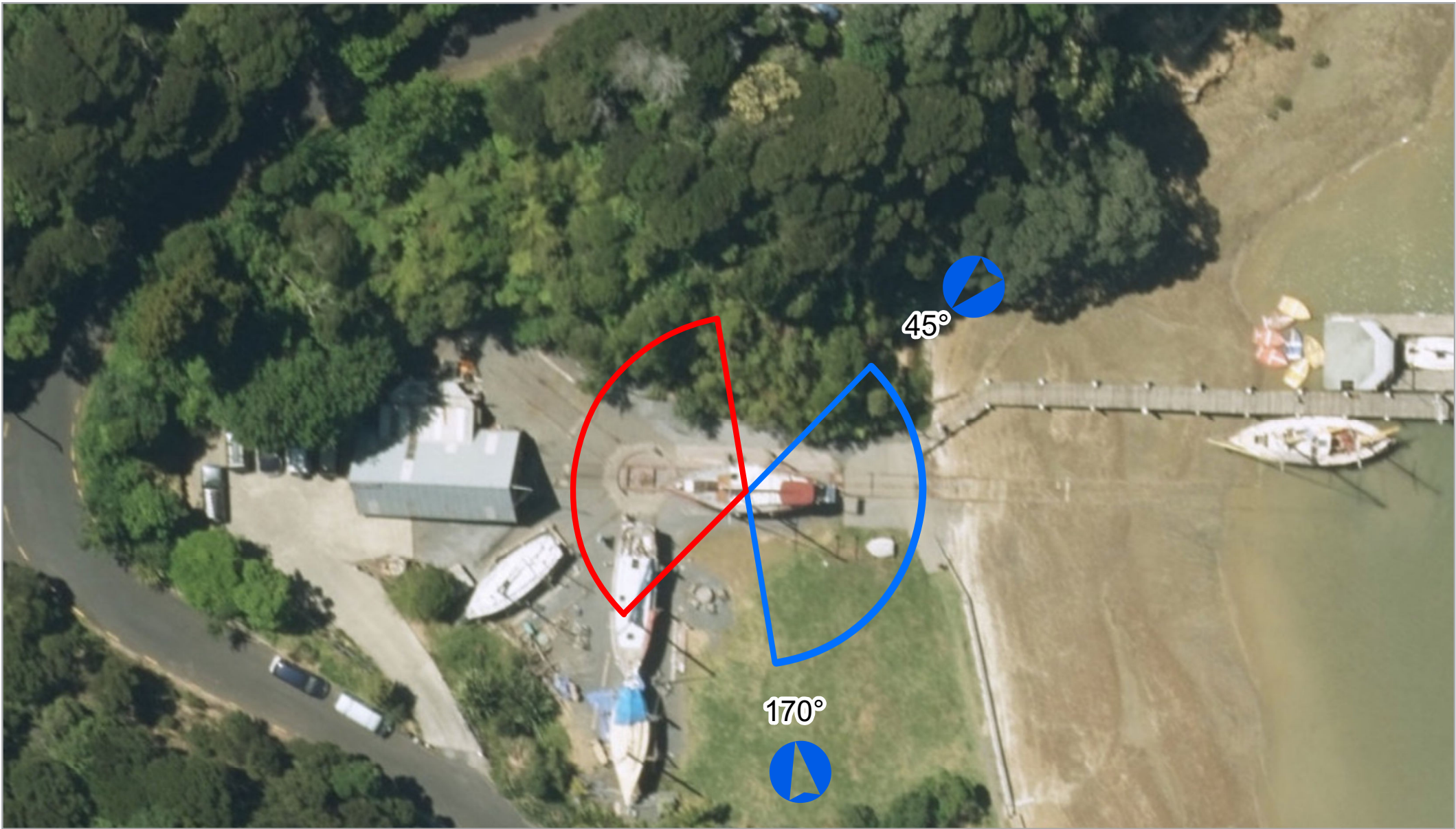
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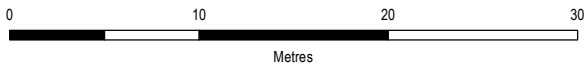
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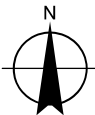


Scale



Paper Size ISO A4

Map Projection: Transverse Mercator  
Horizontal Datum: NZGD 2000  
Grid: NZGD 2000 New Zealand Transverse Mercator



DOBY  
1 Richardson Street, Opua 0200

Wind Direction Condition Explanation

Project No. 12506722  
Revision No. -  
Date 07 Sep 2020

FIGURE 1



**BEFORE THE NORTHLAND REGIONAL COUNCIL HEARINGS  
COMMISSIONER**

**IN THE MATTER** of an application under section 88 of the Resource Management Act 1991 (Act)

**AND** an application by Doug's Opuā Boatyard for resource consents relating to the redevelopment of the existing boatyard located at 1 Richardson Street, Opuā, and an ancillary application to vary conditions in the Interesting Projects Ltd (Great Escape Yacht Charters) resource consent.

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**RESPONSE TO POINT 14 OF MINUTE #4A BY BRETT LEWIS HOOD  
ON BEHALF OF DOUG'S OPUA BOATYARD (DOBY)**

**Dated this 11th day of September 2020**

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**Henderson Reeves Connell Rishworth Lawyers**

Solicitor: Colleen Prendergast

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PO Box 11  
Whangarei 0140


P: +64 9 430 4350  
F: +64 9 438 6420  
E: colleenp@hendersonreeves.co.nz

## Introduction

1. This is a response to point 14 of Minute #4A.
2. In my view, because water blasting is associated with boatyard operations, it is a matter that is appropriately dealt with as part of the Operational Management Plan (OMP) (Condition 7).
3. I propose the following amendment to Condition 7 (highlighted):
  7. The Consent Holder shall submit an updated Operational Management Plan (OMP) to the council's Compliance Manager for certification within three months of the date of commencement of these consents. The OMP shall cover all aspects of:
    - (a) The operation and maintenance of the wharf;
    - (b) The operation and maintenance of the slipway;
    - (c) Measures to minimise the discharge of contaminants to coastal waters during operation or maintenance of the slipway or during maintenance activities undertaken on or adjacent to the wharf;
    - (d) The operation and maintenance of the wash-water collection and disposal system, including as-built plans of the system;
    - (e) The operation and maintenance of the stormwater treatment system, including as-built plans of the stormwater treatment system;
    - (f) Measures to minimise the discharge of contaminants to ground;
    - (g) Measures to minimise the emissions and any adverse effects on the environment from the discharges to air including:
      - (i) Temporary signage to alert persons that painting is taking place and to maintain a minimum 15m separation from the activity.
      - (ii) Training procedures which explain the correct use of the water blaster to minimise the effects associated with water spray;
      - (iii) The location of water blasting activities on Area A relative to the walking track.
    - (h) Contingency measures for unforeseen or emergency situations.

**Advice Note:**

*The council's Compliance Manager's certification of the OMP is in the nature of certifying that adoption of the OMP is likely to result in compliance with the conditions of these consents. The Consent Holder is encouraged to discuss its proposed OMP with council monitoring staff prior to finalising this plan.*




---

Brett Lewis Hood

Dated this 11<sup>th</sup> day of September 2020



## Sarah Wainwright

---

**From:** Brett Hood <brett@reyburnandbryant.co.nz>  
**Sent:** Thursday, 10 September 2020 7:12 PM  
**To:** Colleen Prendergast  
**Subject:** Fwd: Proposed Amendment to Condition 7

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**From:** Alister Hartstone  
**Sent:** Thursday, September 10, 2020 6:34:29 PM  
**To:** Brett Hood  
**Cc:** 'Paul Maxwell'  
**Subject:** RE: Proposed Amendment to Condition 7

Thanks Brett

I gather Colleen will have another bite at the cherry in terms of responding to my statement so happy to agree to disagree and move on.

regards

Alister Hartstone BREP (Hons) MNZPI

 0277555607

 [alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)



---

**From:** Brett Hood  
**Sent:** Thursday, September 10, 2020 6:04 PM  
**To:** Alister Hartstone  
**Cc:** 'Paul Maxwell'  
**Subject:** RE: Proposed Amendment to Condition 7

Hi Alister

Unfortunately (or fortunately depending on which way you look at it) I have the day off tomorrow, so if we are agreeing to disagree on this one, please let me know and I will have to file something separately.

Thanks Alister.

*Kind Regards*

**Brett Hood**

Director



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**From:** Brett Hood

**Sent:** Thursday, 10 September 2020 5:08 PM

**To:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Cc:** 'Paul Maxwell' <[PaulM@nrc.govt.nz](mailto:PaulM@nrc.govt.nz)>

**Subject:** RE: Proposed Amendment to Condition 7

Hi Alister

I understand why you have suggested the amendment, but think it should remain as previously proposed.

Firstly I don't think it adds anything other than another shade of grey (i.e. "as far as practicable").

In my view the condition should relate only to the need for the OMP to cover the aspect of the location of the water blasting operation, in the same way as it covers the need to minimise the discharges to ground and coastal waters, and the other operational aspects.

I think it is also important to keep in mind that the description of point (g) states "Measures to minimise the emissions and any adverse effects on the environment from discharges to air". Thus provided (g) includes the need to cover off the location of the activity relative to the walkway it should leave the rest to the consent holder and Council officers when finalising the certifying the plan.

Kind Regards

**Brett Hood**

Director



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**From:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Sent:** Thursday, 10 September 2020 3:07 PM

**To:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>

**Cc:** 'Paul Maxwell' <[PaulM@nrc.govt.nz](mailto:PaulM@nrc.govt.nz)>

**Subject:** RE: Proposed Amendment to Condition 7

Thanks Brett

Re Condition 7 – I tried ringing before to discuss this. Very quickly, I would prefer the following wording to make it more explicit ( for Rob)....

*(iii) The location of water blasting activities on Area A relative to the walking track, where vessels are to be pulled up the slipway as far as practicable before they are water blasted.*

Thoughts?

Alister Hartstone BREP (Hons) MNZPI

0277555607



---

**From:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>

**Sent:** Thursday, September 10, 2020 2:36 PM

**To:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Subject:** RE: Proposed Amendment to Condition 7

Hi Alister

Nothing to add on the gate. Do you think I need to say anything separately about the OMP condition or will you cover my involvement in your response.

*Kind Regards*

**Brett Hood**

Director



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**From:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Sent:** Thursday, 10 September 2020 2:33 PM

**To:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>

**Subject:** RE: Proposed Amendment to Condition 7


Hi Brett

I've spoken to Paul and we agree it is appropriate. I am pulling a draft together at the moment for Paul to review.

Any comment on the security gate info and have you found anything else that might be useful?

regards

Alister Hartstone BREP (Hons) MNZPI

 0277555607

 [alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)



---

**From:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>

**Sent:** Thursday, September 10, 2020 2:14 PM

**To:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Subject:** RE: Proposed Amendment to Condition 7

Hi Alister

Do you have any additional thoughts on this?

*Kind Regards*

**Brett Hood**

Director



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**From:** Paul Maxwell <[PaulM@nrc.govt.nz](mailto:PaulM@nrc.govt.nz)>

**Sent:** Wednesday, 9 September 2020 8:54 PM

**To:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>; Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Subject:** RE: Proposed Amendment to Condition 7

Hi Brett,

Your suggested amendments to the condition to address point 14 would be an appropriate response to deal with the issue.

**Ngā mihi**

**Paul Maxwell**

Coastal & Works Consents Manager

**Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau**

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---

**From:** Brett Hood <[brett@reyburnandbryant.co.nz](mailto:brett@reyburnandbryant.co.nz)>

**Sent:** Wednesday, 9 September 2020 2:57 PM

**To:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>; Paul Maxwell <[PaulM@nrc.govt.nz](mailto:PaulM@nrc.govt.nz)>

**Subject:** Proposed Amendment to Condition 7

Hi Alister/Paul

Further to point 14 of Minute #4A, it seems to me that this is operational and so should be part of the OMP. To that end, I have attached a suggested amendment to condition 7 for your consideration. Please let me know what you think.

*Kind Regards*

**Brett Hood**

Director



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## Sarah Wainwright

---

**From:** Brett Hood <brett@reyburnandbryant.co.nz>  
**Sent:** Thursday, 10 September 2020 2:27 PM  
**To:** Colleen Prendergast  
**Subject:** FW: lock

*Kind Regards*

**Brett Hood**  
Director



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**From:** Alister Hartstone  
**Sent:** Thursday, 10 September 2020 8:54 AM  
**To:** Brett Hood  
**Cc:** 'Paul Maxwell'  
**Subject:** FW: lock

Good morning Brett

In response to Robs query regarding security gates as per Para. 7 of his Minute, I have received the link below which I will refer to in my response. The 2<sup>nd</sup> to last page includes timers and keypads and apparently there are software add-ons available that are not in this brochure that can be used as well. Not sure whether Rob will want the full brochure....

regards

Alister Hartstone BREP (Hons) MNZPI

0277555607

[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)



---

**From:** David Hartstone <[david@hartstonehomes.co.nz](mailto:david@hartstonehomes.co.nz)>

**Sent:** Wednesday, September 9, 2020 11:15 AM

**To:** Alister Hartstone <[alister@setconsulting.co.nz](mailto:alister@setconsulting.co.nz)>

**Subject:** lock

<https://www.assaabloyopeningsolutions.nz/Other/Securitron/Documents/Brochures/GateLocksAndAccessories/Gate-Fence-Catalog.pdf>

This good gear, whole range of add ons you can use.

**DAVID  
HARTSTONE**

BUILDER / DIRECTOR

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[Evolve:eb30a30e-e370-4df2-91d7-f3b4f5e67e86]







10 September 2020

Colleen Prendergast  
Counsellor  
Henderson Reeves  
Whangarei

REF: APP. 041365.01.01 COMMISSIONER'S MINUTE #4

1 Richardson Street, Opua, Bay of Islands  
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totarahill@xtra.co.nz

With respect; on behalf of myself, Doug's Opua Boat Yard ("DOBY"), and Great Escape Yacht Charters ("GEYC") with regard to the proprietary concerns in the location of the wharf in conjunction with the slipway, and reasonable public access in the area of exclusive occupation that should apply to these structures that affect us both; we say:

1. In regard to the Commissioner's para 7: the timing of controlled entry for reasonable public access should in any event mirror the conduct of like structures in the same connecting environments of the Opua Town Basin when the same liabilities for persons and property are self evident. Therefore the set time of daylight hours are an accommodation and more liberal approach to that which exists on other similar marina structures that abound throughout New Zealand.
2. In regard to the Commissioner's para 14: the proposed positioning of the new wharf in its conjunction with the old; the question lies at the fundamentals of navigation for the slipway and wharf combined on its south side. The space advantage is achieved because the proposed south piles of the new wharf align with the old north piles behind the new wider end section with a shorter inshore slipway. This particularly so when the slipway alignment remains the same.
3. The cradle is two and one half metres abeam from either side of the centre line of the slipway, not counting the space for the workboat during placement and control in settling of vessels onto the cradle which in most events, is a critical task to the safe conduct of the vessel onto the hard. Thus, the footprint of the existing wharf with a vessel alongside can and does often inhibit that process, particularly inshore as the slipway is not parallel to it. This is shown from two angles in the attached photographs; from side on by the gap with no vessel, and diagonally from the bow of a vessel gridded. Looking aft across the gridded vessel's quarter stern plate to the beam of the cradle, there is no gap greater than a metre from its main beam to the cradle up-right for a workboat to pass, and much less for a modern vessel of considerably more beam. Please see **Attachments "A" & "B"**.
4. One of the issues missing in the 2018 hearing was the matter about alignment with an "Existing Environment" represented by the Deemed Coastal Permits of 1989 when strictly speaking about the wharf in and of itself. A matter to which both the NRC and ourselves at the time were completely ignorant of by way of assumption from the Judge Jackson decision in 1998; and subsequent reinforcement of the Deemed Coastal Permit footprint by the 2002 resource consents and the exact reason for the agreement with Mr Farrow to have at least partial sections of the new shorter wharf overlay the old wharf footprint.

5. Likewise and directly linked to the above, was the downsizing of the dredged areas proposed in 2018 to minimize its greater footprint and draft. This to mitigate inshore and offshore effects and achieve a smaller scale by half whilst sustaining navigational access and like intensity and/or character in proposed concepts. These in conjunction with measures to protect the Pipi bed that only truly re-established itself in the eight years since rebuilding the seawall with stone, which is an integral part of the whole and an achievement in purpose then as it is now in reconstruction of these facilities.
6. On the basis of these enlightenments and the question about what "could" or "could not" be accepted, an approach was made to Mr Maxwell with the proposition of surrendering that part of the Deemed Coastal Permits to facilitate the proposed new wharf positioning as applied for. Perhaps an unfortunate mistake in thinking what the Commissioner understood; that effectively the surrender was an accommodation of his concerns on the issue surrounding the "Existing Environment".
7. And because both DOBY and GEYC are making a good effort towards future sustainability for all the structures on land and in the CMA and therefore their ancillary consents that make them functionally workable for the foreseeable future: the evidence provided; explanations on how all of these proposed structures properly function; the purpose of their positional drafts, by way of dredging; and the agreed conditions and/or modifications to them that will guide the consent holders in the execution of their respective responsibilities in their operational environments. The Commissioner should consider all of these gauged against similar and/or obviously alike marine activities within the same body of water that is the Opuia Town Basin; and like this first boatyard in Opuia, have existed and been in effect for many years.

REF: APP.041365.01.01 COMMISSIONER'S MINUTE 4A

With respect, on behalf of DOBY and GEYC with regard to the proposed marina berths and reasonable public access on the entire wharf and within the Marina Mooring Area and a proposed remedy for the term "Casual Berthing; we say:

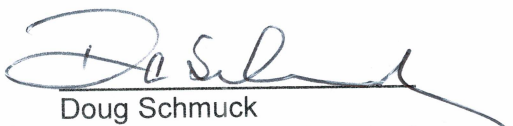
8. In regard to Minute 4A, para 18, we wish to thank the Commissioner for his request for further information that could extend the utilisation of the Marina facilities and its parameters to accommodate "Casual Berthing" which in and of itself has always been a conundrum in practice. An activity that, to our knowledge, has no definition in the Regional Coastal Plan ("RCP") to affect its expected workability or how that might in any way enhance reasonable public access in today's work place.
9. With the above said however, we can actually see value and a way to provide for an all tide, controlled "Reasonable Public Access Berth" by extending a finger pontoon on the north side of the gangway attached to the proposed marina pontoon to allow a greater run along the marina's north side for that berthing at its extreme perimeter of the wharf/slipway and charter operations. This would also reutilise space lost in the length of the old wharf's footprint because of the modern design of the new gangway.
10. We have therefore approached Total Marine Services for an exploded plan view for the Commissioner's consideration. Please see plan APP.041365.01.01 sheet 0008, **Attachment "C"**.

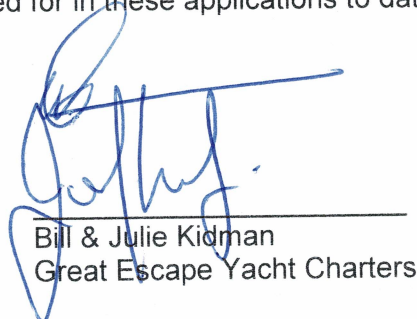


11. We see this working only under the following conditions:

- (a) An extension of time to allow further input to the conditions of consent that will apply in all aspects to the use of these structures for reasonable public access.
- (b) The addition of the floating structure and the ancillary supporting structures to accommodate greater capacity of use incorporated into all the subsequent consent plans that apply.
- (c) Rules of use for "Reasonable Public Berthing", instead of the term "Casual Berthing", for any private vessel or tender in use but are not in any form secured at these structures for longer than one hour and insured by their owners for liability and risk to any other party for damage by misadventure in boat handling.
- (d) In conjunction with the above understandings, the clear meaning in conditions as to reasonable public access along the entire length of the new wharf and marina during the day when access is available through to the Marina Mooring Area. In all events, overseen by the consent holders where that access might adversely affect any commercial operations, personal safety, and/or the security of vessels and their fittings/equipment, and/or the structures themselves.
- (e) That these understandings to implement the above provisions in no way derogates from any of the proposed functions, position of structures, scale, intensity, and/or character that have been addressed in the original applications, nor any of the supporting technical evidence presented in hearing and subsequent accommodations in conditions to effect those individual outcomes.
- (f) None of the above, changes the scope of the use by the public in a (reasonable way) to access the proposed structures or the exclusive occupation area by foot within the term of "Reasonable Public Access" as a pedestrian. What this does mean however, is no private vessel of any kind will come alongside and/or tie to these structures without first making assurances to consent holders or their agents as to their responsibilities whilst secured to them.

12. If in the event, this proposal is contrary to the directions the Commissioner is endeavouring to achieve, then, both myself/DOBY and GEYC are obliged to stand on the provisions as applied for in these applications to date.

  
Doug Schmuck  
For: Doug's Opua Boatyard

  
Bill & Julie Kidman  
Great Escape Yacht Charters





"A" WHARF  
GRIDS &  
SLIPWAY  
FEB, 2019



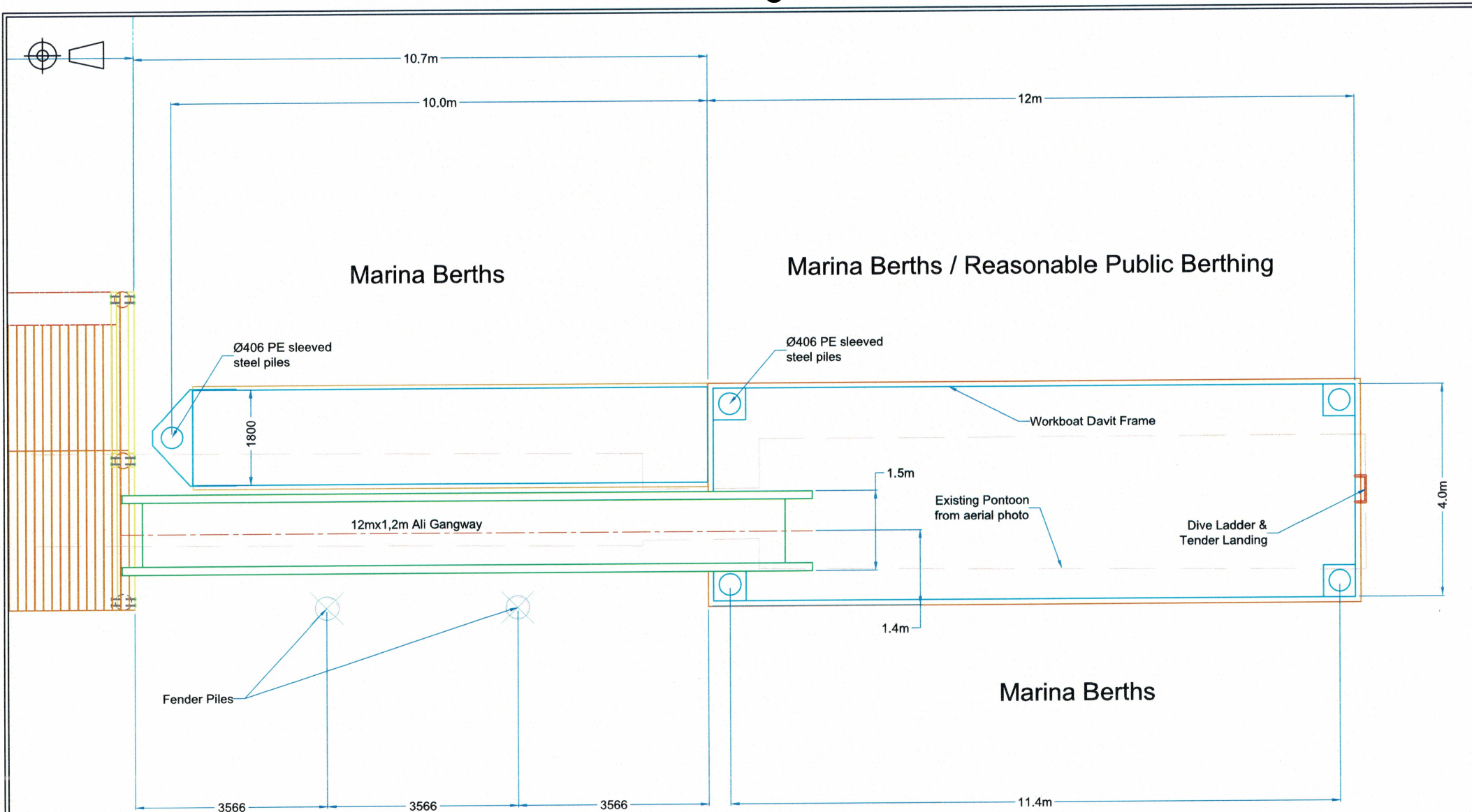


Great Escape  
Sailboat Rentals  
557-18-8837  
1741-7-4312-0

"B" WHARF  
SLIPWAY  
GRID/WORKBEET  
DPS  
FEB, 2019



"C"



Rev	Date	Description	Check	App
1	8/09/2020	PROPOSED REASONABLE PUBLIC BERTHING	PM	AJ

Drawing No: 0155-0504-0008

Date: 08/09/2020

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Scale: 1:70

Client: Doug's Opua Boatyard

Drawn by: Pieter Muller



APP-041365-01-01 Sheet 0008

Proposed Amendments