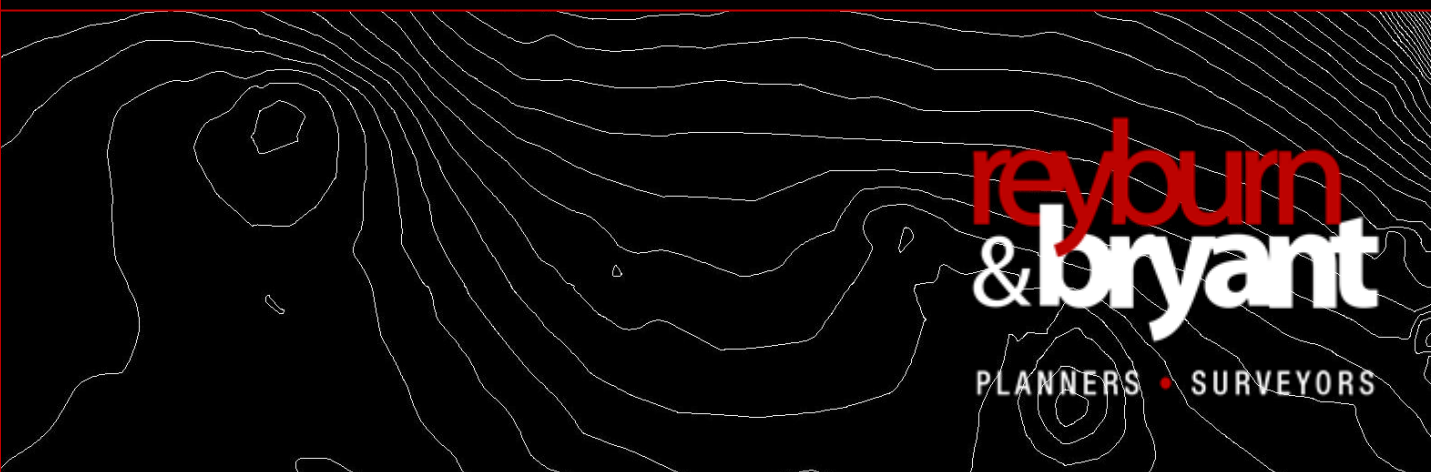


Resource consent application

DOUG'S OPUA BOATYARD

1 Richardson Street, Opuia

A white topographic map with contour lines is overlaid on the bottom half of the page. The map shows various elevation levels and features, including a prominent circular contour on the left side.

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Resource consent application

DOUG'S OPUA BOATYARD

1 Richardson Street, Opuia

Report prepared for:	Doug's Opuia Boatyard (DOBY)
Author	Brett Hood, Planner/Director
Reviewed by:	Emma Miller, Planner/Associate
Consent Authority:	Far North District Council Northland Regional Council
Report reference:	15241
Report Status:	Final
Date:	January 2020

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FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To:

Northland Regional Council

Private Bag 9092

Whangarei Mail Centre

Whangarei 0148

Far North District Council

Memorial Avenue

Private Bag 752

Kaikohe 0440

- Doug's Opuia Boatyard apply for the resource consents described below:

Northland Regional Council

Structures

Consent type	Description	Activity	Relevant rules
Coastal permit	Occupying part of the CMA to the exclusion of others.	Exclusive use area and associated structures in the CMA.	S87B(1)(a) RMA, 1991 (innominate) -- discretionary activity.
Coastal permit	The alteration or extension of authorised structures.	Alteration of existing structures in the CMA. (Including the relocation of mooring 630).	Rule 31.6.3(k) of the RCP – discretionary activity.
Coastal permit	The erection of any new structure, (including refuelling facilities), and the occupation of space for any new structure, (other than a permanent swing mooring, a navigation aid or building) which is not a restricted coastal activity.	All new and replacement structures in the CMA not covered by 31.6.3(k).	Rule 31.6.3(l) of the RCP – discretionary activity.
Coastal permit	Occupation of space in the CMA to the exclusion of others.	Occupation of space in the CMA to the exclusion of others.	S87B(1)(a) RMA, 1991 (innominate) - discretionary activity.
Coastal permit	Structures in the CMA outside significant marine areas	Structures in the CMA (Wharf, floating pontoons, piles, stormwater pipe (attached to wharf), marina berths, gangway slipway, signage, ladders, security and safety lighting, security gate, work boat pull).	Rule C.1.1.21 of the PRP – discretionary activity.
Coastal permit	Hard protection structure.	Sub-surface erosion barrier.	Rule C.1.1.22 of the PRP – discretionary activity.

Variation (s127)	Variation to coastal permit in respect to occupation of space and structures.	Great Escape Yacht Charters pontoon – moving approximately 4m to the north.	Discretionary activity. (s127 RMA)
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Activities in the CMA

Consent type	Description	Activity	Relevant rules
Coastal permit	Boat maintenance activities in Marine 4.	Boat maintenance activities in the CMA (at the working berths) (Marine 4).	Rule 31.6.5(e) of the RCP – discretionary activity.

Dredging

Consent type	Description	Activity	Relevant rules
Coastal permit	Capital Dredging	Dredging around berths, fairway and slipway	Rule 31.6.7(b) of the RCP – discretionary activity. Rule C.1.5.12 of the PRP – discretionary activity.
Coastal permit	Maintenance dredging	Maintenance dredging in the CMA.	Rule 31.6.7(a) of the RCP – controlled activity. Rule C.1.5.10 of the PRP – controlled activity.

Stormwater discharges

Consent type	Description	Activity	Relevant rules
Coastal permit	Coastal discharge.	Discharge treated stormwater to the CMA from boat maintenance activities and trade premises via a Stormwater 360 proprietary system.	Rule 31.6.5(c) of the RCP – discretionary activity. Rule 31.6.5(e) of the RCP – discretionary activity. Rule C.6.4.4 of the PRP – discretionary activity. Rule C.6.6.3 of the PRP – discretionary activity.

Air Discharges

Consent type	Description	Activity	Relevant rules
Coastal permit	Discharge to air in the CMA	Discharge contaminants to air from vessel maintenance activities occurring in the CMA (odour from painting and preparation and controlled sanding of vessel superstructure at the working berths).	Rule C.7.2.10 of the PRP – restricted discretionary activity. ¹
Discharge permit	Discharge to air from land-based activities.	Discharge contaminants to air from vessel maintenance activities (including odour from antifouling and paint application).	Rule 9.3(1) and (2) of the RAQP – discretionary activity. Rule C.7.2.10 of the PRP – restricted discretionary activity.

Discharge to Land

Consent type	Description	Activity	Relevant rules
Discharge permit	Discharge to land.	Discharge contaminants to land from vessel maintenance activities.	Rule 20.3(1) of the RWSP – discretionary activity. Rule C.6.4.4 of the PRP – discretionary activity.

Marina

Consent type	Description	Activity	Relevant rules
Coastal permit	Placement of a marina development.	Two marina berths.	Rule 36.68(l) of the RCP – discretionary activity.
Coastal permit	Occupation of space for a marina development.	Marina development.	Rule 36.6.8(m) of the RCP – discretionary activity.

Earthworks

Consent type	Description	Activity	Relevant rules
Land use consent	Earthworks exceeding 50m ³ within the Riparian Management Zone.	Earthworks associated with slipway re-construction.	Rule 34.3(1) of the Regional Water and Soil Plan discretionary activity.

¹ Authorised discharge under AUT.007914.12.02 which is currently exercised under s124 of the RMA.

Land use consent	Earthworks within the Coastal Riparian and Foredune Management Area.	Earthworks associated with slipway re-construction.	Rule C.8.3.4 of the PRP – discretionary activity.
Land use consent	Remediation of contaminated land.	Removal of contaminated soil from the reserve and boatyard part of the site.	Rule C.6.8.3 of the PRP – controlled activity.

Variation to Great Escape Yacht Charters Consent (AUT.008270.01.02)

Consent type	Description	Activity	Relevant rules
Variation (s127)	Re-positioning of pontoon.	Re-positioning of pontoon resulting from wharf reconstruction.	Discretionary activity. (s127 RMA)

Far North District Council

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Consent type	Description	Activity	Relevant rules
Land use	Excavation of approximately 185m ³ of material, including soil that is contaminated from boat maintenance activities.	Excavation associated with remediation of the boatyard site, reserve, and slipway reconstruction.	Regulation 10(2)(b) – restricted discretionary activity.

2. The activities to which the application relates are as follows:

Modified (replacement) activities

- Three working berths (alongside wharf) (NRC).
- Removal and reconstruction of the existing wharf (fixed wharf, gangway, 30 x 300 SED timber piles, 4 x 406 PE sleeved steel piles, 1 x 300 SED timber pile for the boat pull) (NRC).
- Earthworks associated with remediation of the site and reserve and reconstruction of the existing slipway (NRC/FNDC)².
- Maintenance dredging (NRC).
- Stormwater discharges to the Coastal Marine Area (NRC).
- Discharges to land from boat maintenance activities (NRC).

² FNDC consents relate to earthworks under the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*.

-
- Discharges to air from boat maintenance activities (NRC).
 - Occupy the CMA with various structures: Wharf, floating pontoons, piles, stormwater pipe(s) (attached to wharf), marina berths, slipway, signage, ladders, security and safety lighting, security gate, boat pull (NRC).
 - Extension and modification to exclusive occupation area (NRC).
 - Modification to offensive odour boundary (MRC).

New activities

- Proposed sub-surface erosion barrier (NRC).
 - Capital dredging (NRC).
 - Marina berths (two) replacing two existing working berths (NRC).
3. The applicant is the owner and occupier of the boatyard site and holds resource consent and registered easements over the adjoining esplanade reserve.
 4. The location of the proposed activities is 1 Richardson Road, Opuia and parts of the adjoining Local Purpose (esplanade) Reserve in the Opuia town basin.
 5. There are no other activities to which this application relates.
 6. No other resource consents are needed for the proposed activity.
 7. No additional resource consents or statutory approvals are needed for the activity to which this application relates that have not yet been applied for.
 8. We attach an assessment of effects on the environment that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
 9. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
 10. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.

A check list of relevant Schedule 4 matters is included as **Appendix 1**.

-
11. No other information is required to be included in the district or regional plan(s) or regulations.



Signature of applicant (*or* person authorised to sign on behalf of applicant)

Brett Hood

07 January 2020

Date

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Brett Hood

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17. Site plan [R&B]

ABBREVIATIONS

AEE	Assessment of Environmental Effects
CMA	Coastal Marine Area
DOBY	Doug's Opuā Boatyard
DSI	Detailed Site Investigation
EES	Environmental Engineering Standards
FNDC	Far North District Council
FNDP	Far North District Plan
GEYC	Great Escape Yacht Charters
HW	Haigh Workman
LLA	Littoralis Landscape Architecture
MHWS	Mean High Water Springs
NES	National Environmental Standard – Soil Contamination
NES	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NRC	Northland Regional Council
NZCPS	New Zealand Coastal Policy Statement
PSI	Preliminary Site Investigation
PRP	Proposed Regional Plan
RAQP	Regional Air Quality Plan
RCP	Regional Coastal Plan
RMA	Resource Management Act, 1991
RPS	Regional Policy Statement
TM	Total Marine
TS	Thomson Survey
VC	Vision Consulting
4S	4Sight Consulting

1. INTRODUCTION

1.1 Report basis

This report has been prepared in support of an application by Doug's Opuā Boatyard (DOBY) for resource consents relating to the redevelopment of DOBY located at 1 Richardson Street, Opuā.

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule. A Fourth Schedule checklist is attached at **Appendix 1**.

The report also includes an analysis of the relevant provisions of the relevant district, regional and national planning documents that are pertinent to the assessment and decision required under s104 of the RMA.

1.2 Property details

Applicant	Doug's Opuā Boatyard (DOBY)
Landowner	Douglas Craig Schmuck and Northland Trustee (2014) Limited
Address	1 Richardson Street, Opuā
Legal description and area	<p>Private land: Part Lot 1 and Lot 2 Block XXXII Town of Opuā, and Section 3 Block XXXII Town of Opuā – RT NA21C/265 – 1,088m²</p> <p>Public land: Sections 1 – 4 Survey Office Plan 68634 – RT NA121C/187 – 1,385m²</p>
Relevant District Plan	Far North District Plan (FNDP)
District Plan zone	<p>Private land: Commercial Zone</p> <p>Public land: Conservation Zone</p>
Relevant Regional Plan zone	<p>Marine 4 'Moorings including Marinas' (RCP)</p> <p>'Mooring Zone' (PRP)</p> <p>Coastal Area (RPS)</p>

Relevant Regional Plans and Statements	Regional Policy Statement (RPS)
	Regional Coastal Plan (RCP)
	Regional Water and Soil Plan (RWSP)
	Regional Air Quality Plan (RAQP)
	Proposed Regional Plan (PRP)
Relevant National Policy Statement	New Zealand Coastal Policy Statement (NZCPS)
Relevant National Environmental Standard	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

Table 1: Property Details.

1.3 Proposal

The proposal is summarised as follows:

Modified (replacement) activities

- Three working berths (alongside wharf).
- Removal and reconstruction of the existing wharf and pontoon (fixed wharf, gangway, 30 x 300 SED timber piles, 1 x SED timber pile for boat pull, 4 x 406 PE sleeved steel piles), wharf abutment.
- Earthworks associated with remediation and reconstruction of the existing slipway.
- Maintenance dredging.
- Stormwater discharges to the Coastal Marine Area.
- Discharges to land from boat maintenance activities.
- Discharges to air from boat maintenance activities.
- Occupy the CMA with various structures: Wharf, floating pontoons, piles, stormwater pipe(s) (attached to wharf), marina berths, slipway, signage, ladders, security and safety lighting, security gate, boat pull.
- Extension and modification to exclusive occupation area.
- Modification to offensive odour boundary.

New activities

- Proposed subsurface erosion barrier.
- Capital dredging.
- Marina berths (two) replacing two existing working berths.

1.4 Background

History

There is a history of boat maintenance activities (including a commercial slipway) at this site (including on what is now the esplanade reserve) since 1966 (see Photograph 1 below and LLA report in **Appendix 2**). The current slipway was granted consent in 1976 and constructed in 1979.



Photograph 1: April 1967, Earlier slipway occupying what is now part of the esplanade reserve. Note: The current slipway location is adjacent to the earthworks area evident in the background (Source: LLA report).

The boatyard was purchased by the current owner Doug Schmuck in 1994. It is currently known as Doug’s Opua Boatyard (“DOBY”).

When the land was purchased by Mr Schmuck in 1994 there was a paper road (crown grant) between Mr Schmuck’s land and the CMA. The slipway traversed this paper road and, at the time, boatyard activities extended onto it. Having received a request from Mr Schmuck, DOC and FNDC decided to stop the road and vest the land as an esplanade reserve, and to grant Mr Schmuck easements for boat haulage and maintenance.

Consent history

In January 2002, the Environment Court granted a suite of resource consents for the boatyard activities by way of a consent order. A copy of these consents is provided in **Appendix 3** of this report. The consents are summarised in Table 2 below:

Current Authorisation Number	Previous Consent Reference	Activity Type	Activity Description	Expiry Date
AUT.007914.01.03 (NRC)	CON20030791401	Coastal permit – Structures	A wharf, wharf abutment and walking track security lighting, discharge piping and access pontoon.	30/03/2036
AUT.007914.02.01 (NRC)	CON20030791402	Coastal permit – Structures	A slipway, complete with cabling and a dinghy ramp.	30/03/2036
AUT.007914.03.01 (NRC)	CON20030791403	Coastal permit – Structures	Those parts of a timber and stone seawall and associated reclamation that lie within the CMA.	30/03/2036
AUT.007914.05.01 (NRC)	CON20030791405	Coastal permit – Mooring/Dinghy Pull	A workboat mooring and pull.	30/03/2036
AUT.007914.06.01 (NRC)	CON20030791406	Coastal permit – Structures	Signage and hoardings.	30/03/2036
AUT.007914.07.01 (NRC)	CON20030791407	Coastal permit – Structures	Maintenance dredging of seabed material at the slipway.	30/03/2036
AUT.007914.08.01 (NRC)	CON20030791408	Coastal permit – Other	Use structures for purposes associated with the boat yard, including survey and inspection of ships and safe ship management, gridding of vessels for maintenance, marine brokerage of vessels for sale and/or charter.	30/03/2036

AUT.007914.09.01 (NRC)	CON20030791409	Coastal permit – Occupation	Occupy an area of seabed associated with the slipway and wharf structures.	30/03/2036
AUT.007914.10.03 (NRC)	CON20060791410	Coastal Discharge	Discharge of treated wash water to the CMA.	30/03/2018
AUT.007914.11.02 (NRC)	CON20060791411	Discharge to Air	Discharge of contaminants to air from boat maintenance activities.	30/03/2018
AUT.007914.12.02 (NRC)	CON20060791412	Discharge to Air in CMA	Discharge contaminants activities to air in the CMA from boat maintenance.	30/03/2018
AUT.007914.13.02 (NRC)	CON20060791413	Discharge contaminants to land	Discharge contaminants to ground from boat maintenance activities.	30/03/2018
AUT.007914.15.02 (NRC)	CON20060791415	Coastal Discharge	Discharge stormwater to the CMA.	30/03/2018
AUT.007914.16.01 (NRC)	CON20120791416	Coastal Permit/ Structure	Concrete Seawall.	30/03/2036
AUT.007914.17.01 (NRC)	CON20120791417	Coastal Permit/ Structure	Dinghy ramp extension.	30/03/2036
AUT.007914.18.01 (FNDC)	CON20120791418	Land Use Consent	Dinghy ramp landward of MHWS.	30/03/2036
RC 2000812 (FNDC)	N/A	Land use consent	All components of the DOBY operation on both private and public land (see further details below).	N/A – indefinite.
RC 20140229 (FNDC)	N/A	Land use consent	Dinghy racks	N/A – indefinite

Table 2: Summary of existing resource consents (granted 2002).

Activities authorised by the FNDC consent RC 2000812 are as follows:

Boatyard site

- Commercial marine slipway (including a turntable and all its integral parts, fixtures, supporting members, attachments and utilities).
- Boat yard and boat cleaning station.
- Boat building shed.
- Office.

Esplanade reserve

- Commercial marine slipway (including a turntable and all its integral parts, fixtures, supporting members, attachments, utilities and non-permeable surfaces).
- Concrete washdown area with associated discharge containment system (10m above MHWS).
- Stormwater and conduit drain.
- Security light pole and associated utilities for power and water.
- Safety signage.
- Wharf abutment.
- Existing wooden and stone retaining walls (where these lie above MHWS).
- To **reconstruct the slipway** between the boatyard property and MHWS and to concrete that part of the slipway situated above a line 10m from MHWS.
- To carry out the activity of washing down of boats prior to the boats being moved to the boatyard for repairs or maintenance before being returned to the water, provided that repairs and maintenance may be carried out on the reserve only when the vessel is unable to be moved entirely onto the site by virtue of its length or configuration.

DOBY continues to operate under the District and Regional resource consents issued in 2002, except for the air and stormwater discharge permits which were renewed in 2008.³ An application was made to renew these 2008 consents in 2019 and an interim decision was made by the Environment Court in July 2019.⁴ The interim decision has been appealed to the High Court and remain pending. In the meantime, DOBY continues to operate under the 2008

³ NRC ref. CON20060791410 (**Appendix 4**).

⁴ See *DG Schmuck v Northland Regional Council NZEnvC 125 [2019]* (**Appendix 5**).

consents in accordance with s124(1)(d) and (3) of the RMA.⁵ The remaining regional consents from 2002 do not expire until 2036. The FNDC land use consent (RC2000812) has been given effect to and is therefore of indefinite duration with no expiry date.

The only change from the 2002 and 2008 consents is in respect to the management of stormwater and wash water from the working areas of the site. This water is currently collected and pumped to the public sewerage system rather than discharging to the CMA as currently authorised.

New applications to replace the 2002 and 2008 consents

In 2017 DOBY applied to the Northland Regional Council for replacement, renewal, and new resource consents for the following activities:

- Demolition of the existing wharf and pontoon;
- Reconstruction of the wharf and pontoon facility;
- Placement of two mudcrete grid structures; (reduced/amended – became one concrete grid with collection facility on mudcrete base)
- Refurbishment of the existing slipway (within the CMA);
- Use of two of the five existing berths for temporary or permanent berthing of vessels for accommodation purposes;
- Construction of approximately 50 metre long seawall northward of the existing seawall; (ultimately withdrawn at the hearing)
- Disturbance of the foreshore/seabed;
- Beach rehabilitation; (ultimately withdrawn at the hearing)
- Capital and maintenance dredging; (ultimately reduced at the hearing)
- Relocation and extension of stormwater discharge outlet; and
- Extension to authorised exclusive occupation area of the CMA.
- Reduction in offensive odour boundary.

These consents were declined by the NRC hearing commissioners in November 2018 and were subsequently appealed. In consultation with the Environment Court, the decision was made to separate the air and stormwater discharge permit renewals from the remainder of the consents under appeal. Those discharge permits were heard by the Environment Court in April 2019. The remaining activities under the appeal have been re-conceived and are now the subject of this application.

⁵ DOBY also holds an NRC consent to place, use and occupy space for a seawall and dingy ramp extension. It also holds a FNDC consent to place, use and occupy space for the dingy ramp above MHWS (**Appendix 3**). These consents expire on 30 March 2036.

Matters relevant to this application

There are matters associated with the 2002 and 2008 resource consents and the discharge permits appeal currently before the Environment Court that have relevance to this application. These are:

- As detailed in [Table 2](#), one of the FNDC resource consents issued in 2002 was to **reconstruct the slipway**. Therefore, the only consent required from the FNDC for the proposed slipway reconstruction is under the NES for contaminated soils.⁶
- The 2002 consents required that an operational management plan ('OMP') be reviewed and approved by the NRC at three yearly intervals. This plan was last reviewed in February 2019 (by both the NRC and FNDC) and includes a range of operational measures to avoid adverse effects on the environment. It also requires that all wash water and stormwater in operational areas be discharged to the public sewer. A copy of the OMP is attached in **Appendix 6**.
- The discharge permit applications currently on appeal to the High Court include a proposed condition requiring the installation of a proprietary stormwater system, either in conjunction with the consents that are the subject of this application, or within 24 months of the granting of the discharge consents (whichever comes first).

1.5 Existing resource consents to be retained

The following DOBY activities are covered by existing resource consents that will remain unaffected by this application:

- Timber and stone seawalls within the CMA – NRC consent ref. AUT.007914.03.01.
- Timber and stone retaining walls above MHWS – FNDC consent ref. RC 2000812.
- Concrete seawall - NRC consent ref. AUT.007914.16.01.
- Dinghy ramp extension - NRC consent ref. AUT.007914.17.01.
- Dinghy ramp landward of MHWS - NRC consent ref. AUT.007914.18.01.
- Reconstruction of slipway and other activities and facilities - FNDC consent ref. RC 2000812.

⁶ *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES).*

1.6 Existing resource consent to be varied

AUT.008270.01.02 (GEYC)

The NRC resource consent (AUT.0082700.01.02) for GEYC is to be varied pursuant to s127 of the RMA.

Reason:

To account for the GEYC facilities moving slightly to the north resulting from the proposed wharf reconstruction.

1.7 Permitted activities

The proposed and DOBY activities are deemed to be permitted activities under the following rules:

Rule 31.6.5(l) Regional Coastal Plan

The discharge of contaminants into air associated with the sale, servicing or repairs to boats or like equipment, including body and engine repairs, fibre glassing, painting, wet abrasive blasting antifouling, provided that the following standards and terms are met:

- i) The operation of spray painting shall not exceed 30 litres per day
- ii) The size of the boats shall not exceed 20 meters in length
- iii) The discharge shall not contain lead, arsenic, chromium, cadmium, copper, or tin.
- iv) The discharge from any wet abrasive blasting (including overspray, mists or chemical additives) shall not result in the deposition of contaminants in coastal water
- v) The wet abrasive blasting medium shall contain no greater than 2% by dry weight free silica

Reasons:

1. No spray painting will take place within the CMA.
2. Boats will not exceed 20m in length.
3. There will be no discharges containing lead, arsenic, chromium, cadmium, copper, or tin.
4. No wet abrasive blasting will take place in the CMA.
5. There will be no deposition of contaminants to coastal water.

Rule 12.3.6.1.2 'Excavation and/or Filling' - Far North District Plan

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Living, Coastal Living, South Kerikeri Inlet Zone, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones is permitted, provided that:

- (a) it does not exceed 300m³ in any 12 month period per site; and
- (b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

Reasons:

1. Proposed excavation in the Conservation Zone is 85m³ (approx.). No fill is proposed in this zone.

2. Cut faces do not exceed 1.5m.

Rule 12.3.6.1.4 'Nature of filling material in all zones' - Far North District Plan

Filling in any zone shall meet the following standards:

- (a) the fill material shall not contain putrescible, pollutant, inflammable or hazardous components; and
- (b) the fill shall not consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; and
- (c) the fill material shall not comprise more than 5% vegetation (by volume) of any load.

Reason:

No contaminated fill will be placed on the site. The fill will comply with the requirements of this rule.

12.7.6.1.1 'Setback from Lakes, Rivers in the Coastal Marine Area' – Far North District Plan

For the purposes of this rule, lakes include the Manuwai and Waingaro Reservoirs.

Any building and any impermeable surface must be set back from the boundary of any lake (where a lake bed has an area of 8ha or more), river (where the average width of the riverbed is 3m or more) or the boundary of the coastal marine area, except that this rule does not apply to man-made private water bodies other than the Manuwai and Waingaro Reservoirs.

The setback shall be:

- (a) a minimum of 30m in the Rural Production, Waimate North, Rural Living, Minerals, Recreational Activities, Conservation, General Coastal, South Kerikeri Inlet and Coastal Living Zones;
- (b) a minimum of 26m in the Residential, Coastal Residential and Russell Township Zones;
- (c) a minimum of 20m in the Commercial and Industrial Zones. Provided that these setbacks do not apply:
 - (i) to activities in a Maritime Exemption Area; or
 - (ii) to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or
 - (iii) to activities related to the construction of river crossings; or
 - (iv) to pumphouses utilised for the drawing of water from the lake, river or wetland, provided such pumphouse covers less than 25m² in area; or
 - (v) to buildings and impermeable surfaces associated with utility service structures, provided that they do not exceed 2m in height or 5m in area; or
 - (vi) to activities associated with the maintenance, replacement and upgrading of existing linear network utilities; or
 - (vii) where there is a legally formed and maintained road between the property and the coastal marine area, lake or river; or
 - (viii) to activities associated with marine farming shore facilities on Lot 1 DP197240 (Orongo Bay), Lot 1 DP155347 (Waikare Inlet) and Lot 1 DP190467 (Waikare Inlet); or

(ix) to Doug's Opua Boatyard's existing uses and/or resource consents applicable over Sec 1, 2, 3, & 4 SO68634 (esplanade reserve) CT 121C/187; NRC Plan Map 3231B; and part Lot 1, Lot 2 & Sec 3 Town Block of Opua XXXII CT 21C/265; or

(x) to activities, buildings and impermeable surfaces associated with the operation of a commercial boatyard on Part Allotment 6, Section 13, Town of Russell.

Reason:

No new buildings are proposed. The slipway reconstruction is already consented under RC 2000812.

Rule 15.1.6A.2 'Traffic' – Far North District Plan

An activity is a permitted activity if:

- (a) it complies with the standards set out in Rule 15.1.6A.2.1; and
- (b) it complies with the relevant standards for permitted activities in the particular zone in which it is located set out in Part 2 of the Plan – Environment Provisions; and
- (c) it complies with all other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.

Reasons:

1. This rule applies to the two marina berths only. This is the only new activity. The remaining activities are existing.
2. Compliance with 15.1.6A.2.1 is as follows:

<p><u>Existing activities</u></p> <ul style="list-style-type: none"> - Boatshed and slipway: Industrial activity 303m² @ 10 per 100m² GBA = 30.3 movements. - No requirement for Conservation Zone. <p><u>New activities</u></p> <ul style="list-style-type: none"> - Marinas/berths – 2 per berth (4 movements total). <p><u>Total traffic movements</u></p> <ul style="list-style-type: none"> - 34.3 (200 movements are permitted)

3. The proposal complies with the other applicable standards for permitted activities relevant to the proposed marina berths (Rule 15.1.6B 'Parking' and Rule 15.1.6C 'Access').

Rule 15.1.6B.1.1 'Parking' – Far North District Plan

Where:

- (i) an activity establishes; or
- ii) the nature of an activity changes; or
- (iii) buildings are altered to increase the number of persons provided for on the site; the minimum number of on-site car parking spaces to be provided for the users of an activity shall be determined by reference to Appendix 3C, unless an activity complies with the exemptions below.

Exemption:

- (a) In the Commercial Zone, no additional on-site car parking spaces are required where the nature of a legally established activity changes, provided that:
- (i) the gross business area of the site is not increased; and
 - (ii) activities are not identified as residential or casual accommodation in Appendix 3C.

Reasons:

1. Two additional spaces have been provided in addition to the four spaces required under the existing FNDC resource consent. These spaces are shown on the parking plan in **Appendix 7**.
2. The parking spaces will be formed in accordance with 15.1.6B.1.5 'Car Parking Standards'.
3. An accessible parking space is shown on the parking plan in **Appendix 7** as required under Rule 15.1.6B.1.4.
4. No loading space is required under Rule 15.1.6B.1.6 because the GFA of the boatshed is only 102m² (less than the 200m² trigger).

Rule 15.1.6C 'Access' – Far North District Plan

An activity is a permitted activity if:

- (a) it complies with the standards set out in Rules 15.1.6C.1.1 to 15.1.6C.1.11; and
- (b) it complies with the relevant standards for permitted activities in the particular zone in which it is located set out in Part 2 of the Plan – Environment Provisions; and
- (c) it complies with all other relevant standards for permitted activities set out in Part 3 of the Plan - District Wide Provisions.

Reason:

Existing access arrangements will remain unchanged. The existing access complies with the relevant standards under Rules 15.1.6C.1.1 to 15.1.6C.1.11 and will continue to comply following the proposed site improvement works and the introduction of two marina berths.

Permitted activities requiring subjective assessment

The permitted activity standards for air discharges under Rule C.7.2.1 'Wet abrasive blasting' (PRP), Rule C7.2.5 'Discharges to air from industrial and trade activities (PRP), and Rule 9.1.5 'The discharge of contaminants to air from wet abrasive blasting (including water blasting)' (RAQP) all require a subjective assessment of whether the discharge (paint fumes and un-contaminated spray mist) is "offensive or objectionable". While the technical assessment has determined that the discharges are not offensive and objectionable, given the subjectivity involved, resource consents have been sought regardless.

1.8 Resource consents sought

This application seeks resource consent from both the FNDC and NRC for all aspects of the DOBY operation except for those activities covered by the existing consents identified in Sections 1.3, 1.4 and 1.5 above. The resource consents sought are outlined in Table 3 below:

Northland Regional Council

Structures

Consent type	Description	Activity	Relevant rules
Coastal permit	Occupying part of the CMA to the exclusion of others.	Exclusive use area and associated structures in the CMA.	S87B(1)(a) RMA, 1991 (innominate) – – discretionary activity.
Coastal permit	The alteration or extension of authorised structures.	Alteration of existing structures in the CMA. (Including the relocation of mooring 630).	Rule 31.6.3(k) of the RCP – discretionary activity.
Coastal permit	The erection of any new structure, (including refuelling facilities), and the occupation of space for any new structure, (other than a permanent swing mooring, a navigation aid or building) which is not a restricted coastal activity.	All new and replacement structures in the CMA not covered by 31.6.3(k).	Rule 31.6.3(l) of the RCP – discretionary activity.
Coastal permit	Occupation of space in the CMA to the exclusion of others.	Occupation of space in the CMA to the exclusion of others.	S87B(1)(a) RMA, 1991 (innominate) - discretionary activity.
Coastal permit	Structures in the CMA outside significant marine areas	Structures in the CMA (Wharf, floating pontoons, piles, stormwater pipe (attached to wharf), marina berths, gangway slipway, signage, ladders, security and safety lighting, security gate, work boat pull).	Rule C.1.1.21 of the PRP – discretionary activity.
Coastal permit	Hard protection structure.	Sub-surface erosion barrier.	Rule C.1.1.22 of the PRP – discretionary activity.
Variation (s127)	Variation to coastal permit in respect to occupation of space and structures.	Great Escape Yacht Charters pontoon – moving approximately 4m to the north.	Discretionary activity. (s127 RMA)

Activities in the CMA

Consent type	Description	Activity	Relevant rules
Coastal permit	Boat maintenance activities in Marine 4.	Boat maintenance activities in the CMA (at the working berths) (Marine 4).	Rule 31.6.5(e) of the RCP – discretionary activity.

Dredging

Consent type	Description	Activity	Relevant rules
Coastal permit	Capital Dredging	Dredging around berths, fairway and slipway	Rule 31.6.7(b) of the RCP – discretionary activity. Rule C.1.5.12 of the PRP – discretionary activity.
Coastal permit	Maintenance dredging	Maintenance dredging in the CMA.	Rule 31.6.7(a) of the RCP – controlled activity. Rule C.1.5.10 of the PRP – controlled activity.

Stormwater discharges

Consent type	Description	Activity	Relevant rules
Coastal permit	Coastal discharge.	Discharge treated stormwater to the CMA from boat maintenance activities and trade premises via a Stormwater 360 proprietary system.	Rule 31.6.5(c) of the RCP – discretionary activity. Rule 31.6.5(e) of the RCP – discretionary activity. Rule C.6.4.4 of the PRP – discretionary activity. Rule C.6.6.3 of the PRP – discretionary activity.

Air Discharges

Consent type	Description	Activity	Relevant rules
Coastal permit	Discharge to air in the CMA	Discharge contaminants to air from vessel maintenance activities occurring in the CMA (odour from painting, spot application of antifouling, and preparation and controlled sanding of vessel superstructure at the working berths).	Rule C.7.2.10 of the PRP – restricted discretionary activity. ⁷
Discharge permit	Discharge to air from land-based activities.	Discharge contaminants to air from vessel maintenance activities (including odour from antifouling and paint application).	Rule 9.3(1) and (2) of the RAQP – discretionary activity. Rule C.7.2.10 of the PRP – restricted discretionary activity.

Discharge to Land

Consent type	Description	Activity	Relevant rules
Discharge permit	Discharge to land.	Discharge contaminants to land from vessel maintenance activities.	Rule 20.3(1) of the RWSP – discretionary activity. Rule C.6.4.4 of the PRP – discretionary activity.

Marina

Consent type	Description	Activity	Relevant rules
Coastal permit	Placement of a marina development.	Two marina berths.	Rule 36.68(l) of the RCP – discretionary activity.
Coastal permit	Occupation of space for a marina development.	Marina development.	Rule 36.6.8(m) of the RCP – discretionary activity.

Earthworks

Consent type	Description	Activity	Relevant rules
Land use consent	Earthworks exceeding 50m ³ within the Riparian Management Zone.	Earthworks associated with slipway re-construction.	Rule 34.3(1) of the Regional Water and Soil Plan discretionary activity.

⁷ Authorised discharge under AUT.007914.12.02 which is currently exercised under s124 of the RMA.

Land use consent	Earthworks within the Coastal Riparian and Fore-dune Management Area.	Earthworks associated with slipway re-construction.	Rule C.8.3.4 of the PRP – discretionary activity .
Land use consent	Remediation of contaminated land.	Removal of contaminated soil from the reserve and boatyard part of the site.	Rule C.6.8.3 of the PRP – controlled activity .

Variation to Great Escape Yacht Charters Consent (AUT.008270.01.02)

Consent type	Description	Activity	Relevant rules
Variation (s127)	Re-positioning of pontoon.	Re-positioning of pontoon resulting from wharf reconstruction.	Discretionary activity. (s127 RMA)

Far North District Council

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Consent type	Description	Activity	Relevant rules
Land use	Excavation of approximately 185m ³ of material, including soil that is contaminated from boat maintenance activities.	Excavation associated with remediation of the boatyard site, reserve, and slipway reconstruction.	Regulation 10(2)(b) – restricted discretionary activity .

Table 3: Resource Consents Sought.

1.9 Resource consents to be surrendered

The following existing resource consents will be surrendered under s 138 of the RMA upon giving effect to the new consents.

- A wharf, wharf abutment and walking track security lighting, discharge piping and access pontoon – NRC consent ref. **AUT.007914.01.03**.

Reason: Replaced by new consent.

- The slipway, complete with cabling and a dinghy ramp (below MHWS) – NRC consent ref. **AUT.007914.02.01**.

Reason: Replaced by new consent.

- Maintenance dredging of the seabed material at the slipway – NRC consent ref. **AUT.007914.07.01**.

Reason: Replaced by new maintenance dredging consent.

- Use structures for purposes associated with the boatyard, including survey and inspection of ships and safe ship management, gridding of vessels for maintenance, Marine brokerage of vessels for sale and/or charter – NRC consent ref. **AUT.007914.08.01**.

Reason: Replaced by new consent.

- Occupy an area of sea bed associated with the slipway and wharf structures – NRC consent ref. **AUT.007914.09.03**.

Reason: Replaced by new consent.

- Stormwater and air discharge permits that may be issued by the Environment Court in the interim.

Reason: Replaced by new consents.

1.10 Statutory context

Section 104B of the RMA sets out specific requirements for the determination of discretionary and non-complying activities.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering application for resource consent.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

This report focuses on the relevant matters in s104(1) and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The relevant provisions of the NZCPS, RPS, RCP, RWSP, RAQP, and FNDP (s104(1)(b)(vi)).
- The relevant provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (s104(1)(b)(i)).

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 The site

General

DOBY is located in a sheltered embayment within the Opua town basin. The yard is approximately 250 m from the Opua main wharf, and 300 m from the Opua car ferry landing (see Figure 1 below).

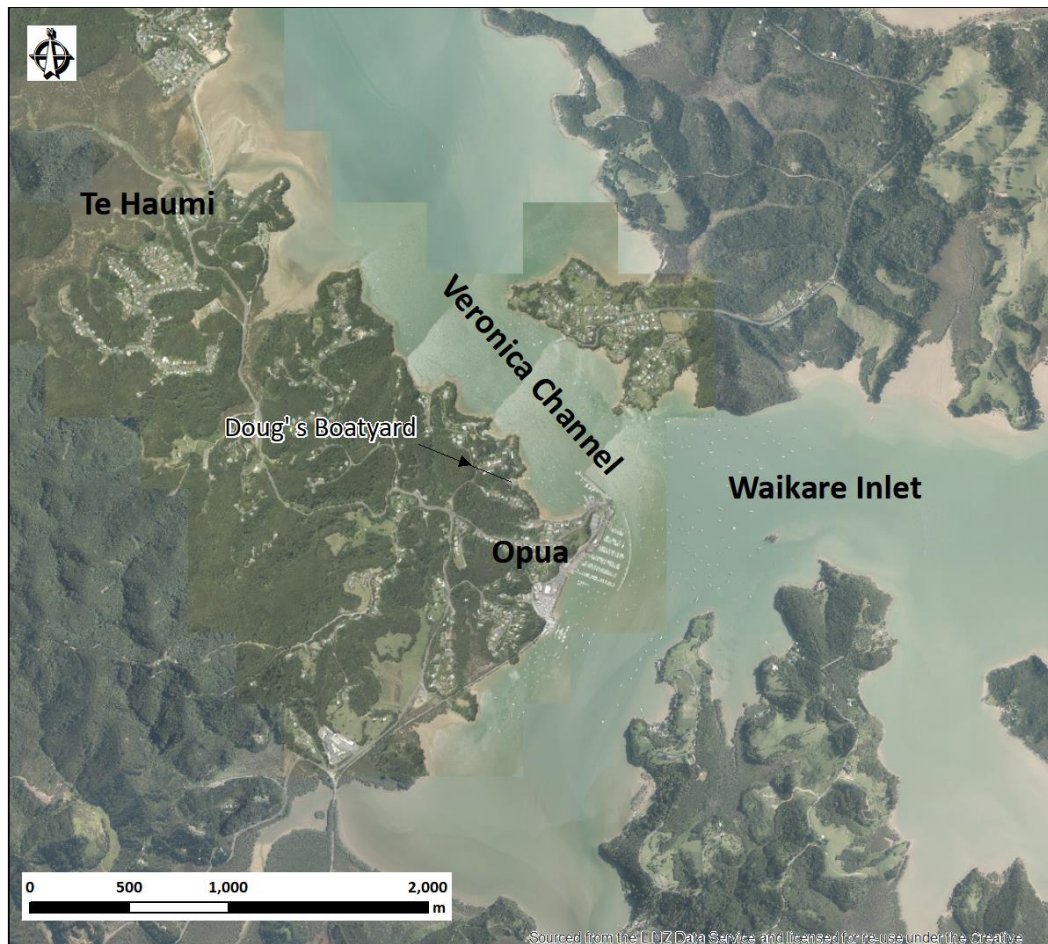


Figure 1: Location Map (Source: 4Sight).

DOBY operates from private (Title ref. RT NA21C/265) and public land (Title ref. RT NA21C/187) located at 1 Richardson Street, Opua ('the site'). There are also structures and associated exclusion and discharge boundaries associated with DOBY that are located within the CMA.

The site is identified in Figure 2 and Figure 3 below. Figure 2 shows the private and public land, while Figure 3 shows the existing consented components within the CMA.



Figure 2: DOBY public (green) and private (blue) land.

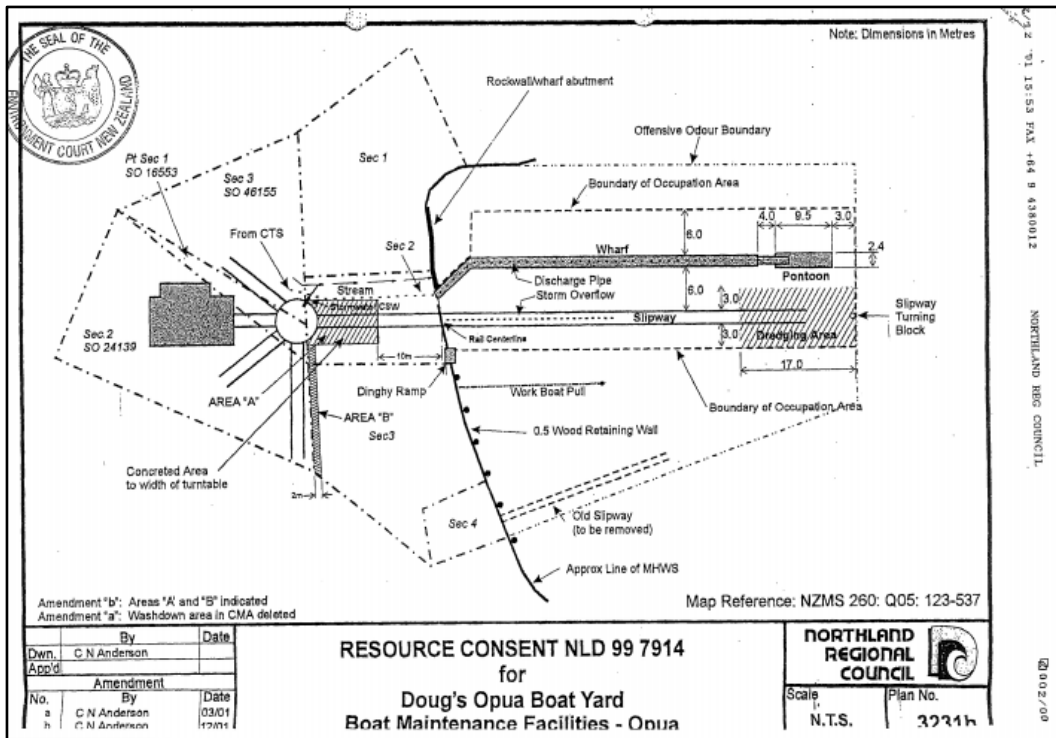


Figure 3: DOBY consented activities in the CMA.

The slipway and wharf are located at the northern end of the beach adjacent to Richardson St. The beach is approximately 60 m in length, and at either end of the embayment there is a rocky point extending into the subtidal zone. The beach is moderately steep and coarse grained. There is a small retaining wall that runs along the shoreline approximately on the line of MHWS, the base of which is approximately at the high tide mark. Landward of the beach is a grassed area contained in an esplanade reserve.



Figure 4: View from south end of beach looking north: Beach, slipway and existing wharf (Source: 4Sight).

Relevant Easements

DOBY has the benefit of registered easements over the reserve for boatyard facilities and activities under s 48 of the Reserves Act, 1977. The relevant memorial registered on RT NA121C/187 is reproduced as follows:

Subject to Section 345(3) Local Government Act 1974

Subject to a right to access, construct, operate, and maintain a commercial marine slipway, turntable and associated facilities over part Section 2 SO 68634 marked X, Y and Z on DP 487568, right of access to and repair and maintenance of vessel on slipway and/or turntable over part Section 3 SO 68634 marked W on DP 487568 and over part Section 2 SO 68634 marked X on DP 487568, right of access to and reconstruction of a commercial marine slipway over part Section 1 SO 68634 marked T on DP 487568 and over part Section 3 SO 68634 marked U and W on DP 487568 and over part Section 2 SO 68634 marked X, Y and Z on DP 487568, right to maintain existing wooden and stone retaining walls over part Section 1 SO 68634 marked T on DP 487568 and over part Section 3 SO 68634 marked U on DP 487568 and over part Section 4 SO 68634 marked V and over part Section 2 SO 68634 marked Z on DP 487568 on DP 487568, and right to discharge contaminants and to emit noise over part Section 1 SO 68634 marked T on DP 487568 and over part Section 4 SO 68634 marked V on DP 487568 and over part Section 3 SO 68634 marked W and U and over part Section 2 SO 68634 marked X, Y and Z on DP 487568 created by Easement Instrument [10100695.1](#) - 27.7.2015 at 3:00 pm

A copy of the titles and relevant easement instrument is provided in **Appendix 8**.

Topography

Both the private land and the esplanade reserve generally fall towards the CMA.

The boatshed and parking area are located in the central part of the site. The elevation in this area varies between RL7.5m and RL5.0m. The top of the

slipway is approximately RL5.0m and falls at a grade of approximately 1:6 to the CMA (5m over a length of 30m).

The land to the north of the boatshed and slipway rises steeply towards the north and is covered in native vegetation.

The esplanade reserve varies in terms of ground cover. Section 1 (to the north of the slipway) is predominantly in dense native bush, section 2 accommodates the slipway and wharf abutment associated with DOBY, section 3 (to the south of the slipway) is predominantly in grass, while section 4 accommodates a public dinghy rack.

There is a piped watercourse running along the northern edge of the boatshed and slipway. This watercourse drains the residential catchment above the site and discharges to the CMA at the northern edge of the slipway.

Structures on the land

Boatshed and parking area

The site contains an existing boatshed incorporating an office, workspace and storage facilities, including storage for Great Escape Yacht Charters which operates from the adjoining wharf under the terms of its own resource consent. There is a concrete parking area between the boatshed and Richardson Street.

Slipway

Below the boatshed is a slipway consisting of two metal rails on sleeper supports extending from the eastern end of the boatshed across the reserve (Section 2 SO 68634) to the CMA. The slipway is underlain by an impermeable membrane designed to collect and direct stormwater to a sump located 10m above MHWS. The slipway has a concrete surface from the sump to the CMA (MHWS).

At the top of the slipway there is a winch and turntable used to remove and return boats from and to the water via the slipway.

Stormwater containment system

There is a stormwater containment and treatment system, including bunded sumps under the turntable (private land) and on the slipway (reserve), four settling tanks (private land), and detention tanks (private land) with a total capacity of 9,400 litres.

The stormwater management system deals with stormwater from the DOBY boat maintenance and slipway areas. Stormwater from the non-working parts

of the site (i.e. the concrete driveway, parking area, roof water, and the primary flow path from the remainder of the catchment above the site) is intercepted and piped away from the working areas to an outfall position on the beach.

The existing system involves the collection and discharge of all wash water and working area stormwater to the public sewer.

Structures in the CMA

Consented structures in the CMA are as follows:

- The lower part of the slipway consisting of rails on sleeper supports.
- Wharf and associated structures (extending 65m into the bay including the floating pontoon).
- Floating pontoon including a lightweight building for Great Escape Yacht Charters.
- Stormwater pipe.
- Floating pontoon and associated gangway.
- Dinghy pull with associated anchor.
- Dinghy ramp.
- Stone and timber seawall.

Access

DOBY is accessed directly from Richardson Street via an existing concrete vehicle crossing and driveway. The driveway leads to a concrete car parking area adjacent to the boat shed.

The esplanade reserve can be accessed from either Richardson Street or from the Paihia to Opuia walkway which traverses the coastal margin of the reserve.

The existing site features are identified on the 'Existing Site Contours Plan' prepared by Thomson Survey attached in **Appendix 9**.

Relevant planning notations

The private part of the site containing the boatshed, parking area and turntable at the top of the slipway is zoned 'Commercial' under the FNDP, while the reserve is zoned 'Conservation'. The site is not subject to any of the overlays identified in the FNDP.

The CMA adjacent to the site is zoned Marine 4 'Moorings including Marinas' in the RCP and 'Mooring Zone' in the PRP.

The site is identified as being within the Coastal Environment in the RPS. However, there are no landscape, natural character or ecological areas shown affecting the site or the adjoining CMA on the RPS maps.

A copy of the relevant District and Regional planning maps are attached at **Appendix 10**.

2.2 Foreshore vegetation

The land between the boatyard and the beach is a grassed esplanade reserve. At the northern end of the beach there is a large pohutukawa tree, and a range of other vegetation including manuka, tobacco weed, and wattle. Scattered mangroves are also present on the slope immediately above the intertidal zone.

A similar collection of trees and shrubs including manuka, wattle, and tobacco weed occupy the headland at the southern end of the beach.

The nature of the foreshore vegetation is visible in the photograph in Figure 4.

2.3 Subtidal fauna

A total of 43 separate taxa were identified within samples collected by 4S from the subtidal zone.⁸

The dominant species in the subtidal fauna community were the introduced bivalve mollusc known as the rice shell (*Theora lubrica*), and representatives from several families of polychaete worms (Ophelidae, Maldanidae, Capitellidae and Spionidae). 4S reported that all the taxa encountered were typical and widespread in soft sediment shallow subtidal habitat in the Bay of Islands and around much of the New Zealand coast.

2.4 Intertidal fauna

Eighteen separate taxa were identified in the samples collected by 4S from the intertidal zone.

The most common species in the intertidal infaunal community were pipi (*Paphies australis*), and polychaete worms from the families Syllidae, Capitellidae and Spionidae. The spionid worm *Aonides trifida* was particularly abundant in the inter-tidal area to the north of the wharf.

Biota identified on the rocky intertidal shoreline at either end of the bay are all species commonly found in the intertidal zone in Northland. These include the seaweed Neptunes necklace (*Hormosira banksii*) and Pacific oysters (*Crassostrea gigas*). The snail *Nerita melanotragus* was also commonly found.

⁸ See 4Sight report attached in **Appendix 14**

4S reported that all the taxa identified from the intertidal samples were common species in New Zealand intertidal habitats.

2.5 Sub-tidal epifauna

4S report that biota is sparse in the area beyond the slipway, pontoon and in the fairway to the north-east. A single cushion star (*Patiriella regularis*), four cockles (*Austrovenus stutchburyi*), one whelk (*Cominella maculosa*) and only 2 cockles (*A. stutchburyi*) were found in this sub-tidal area.

2.6 Shellfish

4S report that two species of edible shellfish (pipis (*Paphies australis*) and cockles (*Austrovenus stutchburyi*) are present. They also identified a few pacific oysters (*Crassostrea gigas*) growing on rocks at either end of the beach and on the boatyard wharf structures.

The pipi bed is adjacent to the boatyard. The pipi size and density define it as a harvestable bed.

The cockles were not found at a density that could be defined as harvestable.

The heavy metal concentrations in the pipis did not exceed levels stipulated in the New Zealand Food Standards (2002), and copper was well below that cited in the previous regulations (1984)⁹.

The heavy metals found in the pipi were similar to a distant reference site at Te Haumi, and therefore appear unrelated to the DOBY activities. The low heavy metal concentrations, and the pipi size and abundance, indicate that the pipi bed is healthy.

2.7 Marine sediments

The substratum in the upper 1-2 m of the shore is comprised mostly of sand and gravel with a high proportion of whole dead shell (mostly pipis *Paphies australis* and also some pacific oyster *Crassostrea gigas* shell). The substratum in the mid intertidal zone comprises sand, gravel and shell gravel. The gravel component of the sediment increases in the mid and lower intertidal area. The lower intertidal area is comprised of coarser gravel and sand overlaying muddy sand.

Heavy metal contaminants copper and zinc that are commonly associated with boatyards and slipways were highly elevated at the slipway intertidal site.

⁹ There are no copper levels in the 2002 standards.

There is evidence of heavy metal contamination of beach sediments, in a decreasing gradient with increasing distance away from the slipway. Lead concentrations were also high at the intertidal sites closest to the slipway. Subtidal sediments sampled near the base of the slipway showed slightly elevated copper but more distant points within the proposed dredge area did not exhibit elevated heavy metal concentrations.

The 4S report notes that there are levels of arsenic and mercury that exceed the CCME TEL and ANZECC ISQG Low threshold value. However, 4S considers that the relatively high levels of those metals are likely to be related to catchment geology rather than a result of anthropogenic factors. They note that similar elevated levels of arsenic and mercury are likely to be of natural origin and have been found in coastal sediments at other sites in the Bay of Islands.

2.8 Hydrodynamics

Modelling of tidal currents by MetOcean Solutions (2013) indicates that peak tidal flows in the vicinity of DOBY are generally <5 cm/s, and modelling of sediment transport capacity predicts minimal potential for sediment transport. 4S report that the relatively low current speeds and limited sediment transport capacity together with the observed current movement indicate that there is only limited potential for dredge spoil material and fine sediment disturbed by the proposed dredging activity to disperse beyond the close vicinity of the operations.

2.9 The surrounding environment

Surrounding land

Much of the surrounding land is zoned 'Coastal Residential' in the FNDP and contains residential development commensurate with that zone (see Figure 5 below). This land is elevated well above the subject site and achieves panoramic easterly views of the Waikere inlet over DOBY. Views of DOBY are largely screened by mature vegetation.

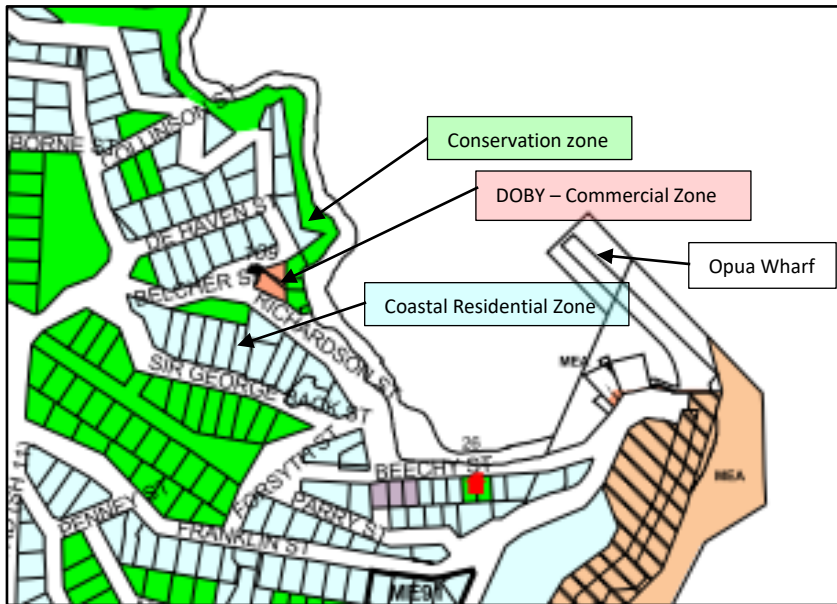


Figure 5: District Plan zoning (Source: FNDP).

The nearest residential units are located some 40m to the north-east at 3 Richardson Street, and some 50m to the south-east at 4 Richardson Street.

The Opua ferry terminal and wharf facility is located 250-300m to the south-east of the site, with the Opua Marina extending south from the terminal. The relative proximity of the wharf and ferry terminal is shown in Figure 6 below.

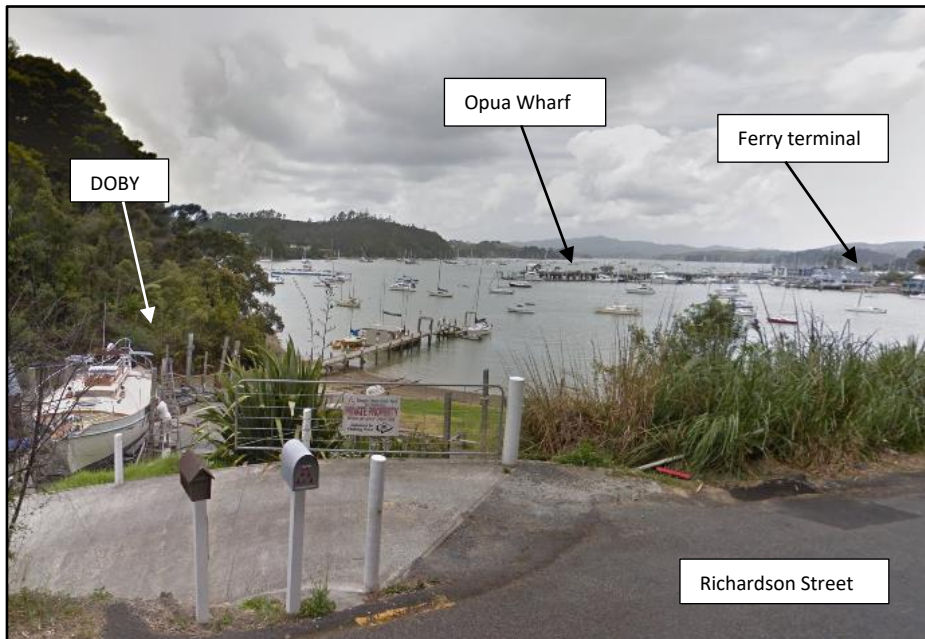


Figure 6: Surrounding environment.

3. ASSESSMENT OF ALTERNATIVES

3.1 Statutory Basis

Schedule 4 of the RMA requires an assessment of alternatives in the following specific instances:

- Where it is likely that an activity will result in any significant adverse effect on the environment, alternative locations or methods for undertaking the activity must be described (Clause 6(1)(a)); and
- Where the activity includes the discharge of any contaminant, any possible alternative methods of discharge, including discharge into any other receiving environment must be described (Clause 6(1)(d)(ii)).

While the proposal will not result in significant adverse effects on the environment (meaning that Clause 6(1)(a) is not relevant), the proposed discharge of stormwater to the CMA triggers a requirement to consider alternative methods of discharge.

3.2 Consideration of alternatives methods of discharge

Two alternative methods of discharge have been considered. These are:

1. Retention of the status quo.
2. Installation of a Stormwater 360 proprietary device.

Status quo

The current stormwater management and discharge for DOBY involves the collection and discharge of all wash water and general working area stormwater via connection to the Council reticulated sewerage system. This is an interim arrangement which places a load on the public system.

In addition to the load on the public system, in times of power outages and associated pump failure the system will overflow to the CMA.

Stormwater 360 proprietary device

A continuation of the practice of collecting and disposing of wash water via the public sewer is considered appropriate. However, to achieve compliance with PRP standards and in accordance with best practice, the proposal is for other working area stormwater to be treated in a proprietary (Stormwater 360) system prior to discharge to the CMA. The Stormwater 360 proprietary system has been successfully employed in many boatyards around New Zealand, including at the recently installed Opua Marina (Stage 2). Unlike the existing

system, it does not rely on pumps, and instead is a gravity-based system. It can be configured to achieve the predetermined performance standards set out in section 4.12 of this report.

All other (clean) stormwater from non-working areas will discharge to the CMA in a controlled manner.

The proposed combination of discharging wash water to the public sewer, and general working area stormwater to the CMA following treatment in the proprietary system is a sustainable and best practice solution to dealing with discharges from DOBY.

4. THE PROPOSAL

4.1 Rationale

The rationale for the proposed activities is as follows:

Wharf replacement

- The design life of the existing structure has expired and is no longer suitable to meet the modern higher environmental or safe standards of the expanded operation of the boat yard.¹⁰

Dredging

- During low tide, the area of CMA beneath the wharf is very shallow (almost dry) and the depth of water at the existing turning block beyond the pontoon is less than 1 m deep. Boats moored at the berths sit on the seafloor during low tides. Dredging the working berth areas to CD -1.5 and the marina berthing areas to CD -2 will enable boats at the berthing areas to float at all tides. Dredging the slipway to CD -1.5 in combination with dredging the berthing areas enables boats to come in and out at all tides. This includes both boats visiting DOBY, and Great Escape Yacht Charters.
- There are 80 moorings in the waters adjacent to DOBY. Dinghy's from these 80 moorings regularly use the dinghy ramp next to the slipway. However, this use is only available at high tide. At low tide, dinghy's need to be dragged across the mudflat. The proposed dredging will facilitate all tide access.

Reconstruction of slipway

- Decreasing the gradient of the slipway and finishing it with a concrete surface enables better containment of stormwater (particularly in extreme weather events).
- Decreasing the gradient of the slipway reduces the pulling coefficient of the equipment. This has important health and safety benefits.
- Recessing the slipway below the level of the reserve provides a clear delineation of the slipway working area from the remainder of the reserve. This has public health and safety benefits.

¹⁰ Total Marine – Appendix I (Page 1) of 4Sight Report (**Appendix 14**)

- Recessing the slipway below the level of the adjacent reserve reduces the potential for air discharges and nuisance effects to the reserve.

Refurbishment of boatshed

- The proposed refurbishment of the boat shed stems from an inability to use the shed for boat maintenance activities once the slipway has been reconstructed at a lower level. The refurbishment is largely cosmetic involving new doors and windows in the front of the shed (see landscape plan in LLA report attached in **Appendix 2**).

Relocation of mooring 630 (owned by DOBY)

- To ensure the mooring is clear of the centre of the fairway.

4.2 Demolition and reconstruction of the wharf

The wharf materials will be removed with heavy machinery by way of a barge operating within the CMA. The materials will be offloaded at the nearby Opuā Wharf where they will be disposed of appropriately by an experienced marine contractor at an approved disposal site on land.

Demolition and reconstruction of the wharf will be carried out in accordance with an approved Demolition and Construction Management Plan. A condition of consent is proposed for this purpose and is as follows:

1. As part of the notification required by Condition 2, a Demolition and Construction Management Plan (DCMP) shall be submitted to the councils Compliance Manager for Certification. As a minimum the DCMP shall include the following:
 - (a) The expected duration (timing and staging) of the demolition and construction/refurbishment works including disposal sites for unsuitable material.
 - (b) Details of sediment controls (e.g. silt curtains/screens) to be established during the demolition and construction works, including during dredging for slipway refurbishment.
 - (c) The commencement and completion dates for the implementation of the sediment controls.
 - (d) Measures to ensure protection of the shellfish bed.
 - (e) Monitoring procedures to ensure adverse effects on water quality beyond works area in the CMA are minimised.
 - (f) Measures to prevent spillage of fuel, oil and similar contaminants.
 - (g) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances.
 - (h) Means of ensuring contractor compliance with the DCMP.
 - (i) The name and contact telephone number of the person responsible for monitoring and maintaining all sediment control measures.
 - (j) Measures to ensure and maintain public access along the Opuā-Paihia walkway (as far as practicable)

The Consent Holder shall undertake the activities authorised by this consent in accordance with the approved DCMP.

Advice Note: The Council Compliance Manager's certification of the DCMP is to confirm that adoption of the DCMP is likely to result in compliance with the conditions of this consent. The Consent Holder is encouraged to discuss its proposed DCMP with council monitoring staff prior to finalising this plan.

4.3 Reconstruction of the wharf

The proposed wharf reconstruction details are shown on the TM plans (**Appendix 11**) and are generally described as follows:

- Dimensions: 43m x 3m (including 4.2m x 6m flared section at the seaward end). The total length of the facility (including the gangway and marina pontoon) will be 62m (the same as the existing facility) – see comparison in Figure 7 below.

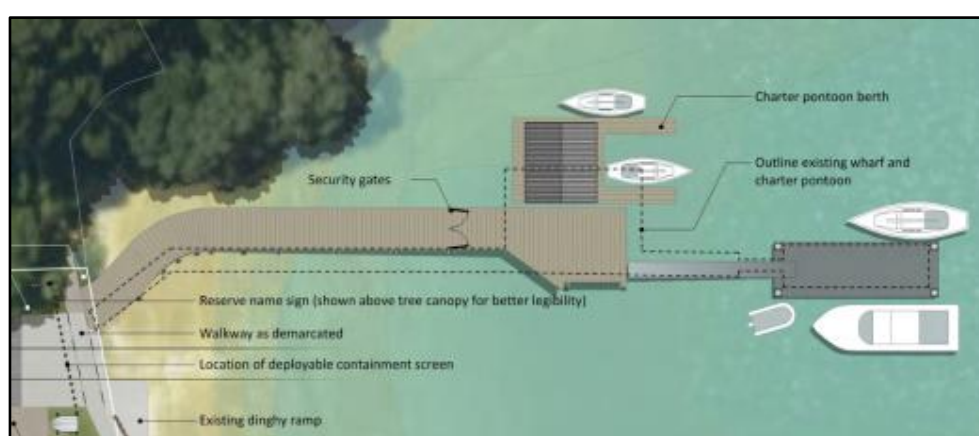


Figure 7: Proposed wharf facility (note existing facility denoted by pecked black line).

- Width: 3m (noting the 6m wide flared section at the seaward end)
- Number of all tide berths: 5 (3 working berths and 2 marina berths) (same as existing number of berths).
- Location/alignment: The wharf will have a similar alignment to the existing wharf, but it is wider and extends 3 m further to the north.
- Gangway and marina berth pontoon: 12m x 1.2m aluminium gangway extending to a 12 m x 4 m floating pontoon secured by 4 x 406 PE sleeved steel piles.
- Great Escape Yacht Charters pontoon¹¹: No change to existing facility except location will move 4 m further to the north in conjunction with the wharf relocation.
- Wharf Piles: 30 X 300SED Timber piles, 4 X 406 PE sleeved steel piles

¹¹AUT.008270.01.02

- Work Boat Pull Pile: One approx. 300SED timber pile for the work boat pull.
- Ladders
- Security gate
- Signage
- Navigational/security lighting
- Marine maintenance fixtures and removable camel booms

The proposed wharf is wider than the current structure at 3.0m. This is to provide a more acceptable space for safely passing when moving as a group or carrying items (safety and functionality).

The proposed flare at the head of the timber portion of the new wharf is to allow the pontoon beyond to align more closely with the positioning of the slipway rails and to provide for operational matters like the function of the boom crane. The pontoon and gangway are closely aligned to the scale and position of the existing gangway and pontoon.

The charter pontoon will continue to hang off the wharf as per the existing consent for that activity. It will be set approximately 4m further to the north due largely to the flare at the end of the wharf.

Two new elements are a proposed security gate situated before the charter pontoon, and a light standard with dual lamps near the end of the wharf that also incorporates a small crane arm.

4.4 Marina berths

Two marina berths are proposed either side of the floating pontoon at the seaward end of the wharf (see TM plans attached in **Appendix 11**). These are currently working berths for boat maintenance activities.

The berths will provide for the temporary berthing of vessels for accommodation purposes. They will be provided on a lease basis and not sold as private property.

There will be no sewage dump station or refuelling facilities at the wharf. The nearest such facilities are available at the Opuia Marina.

Land based toilet facilities and a rubbish collection facility are available on the DOBY land.

The two marina berths will be managed by DOBY. Management details will be incorporated within the OMP.

4.5 Reconstruction and use of the slipway

Design details

The proposed slipway reconstruction is shown on the Thomson Survey plans attached in **Appendix 9**.

The proposal is to lessen the gradient of the slipway so that it finishes at a level approximately 2m below the existing boatshed floor level. The rationale for this work is set out in section 4.1 of this report. In summary:

- It will lessen the load coefficient on the winch and cable as boats are drawn up the slipway; and
- It will achieve a greater level of spatial containment as a result of the working area at the head of the slipway being recessed below surrounding ground.

The slipway excavation will start at the containment grate (10m above MHWS). The initial part of the excavation will be low batters which will transition to retaining walls. The height of the timber retaining walls at the boundary of the reserve (Section 2) and the boatyard title will be 1 m. The retaining wall height at the front of the boat shed will be 2 m. The walls will be finished in a dark charcoal/black hue.

In order to protect against falls over the retaining walls and to optimise containment of any airborne waterblast spray, a 1.2m high dark coloured parapet wall will be installed at the crest of the retaining wall. This parapet wall will be on private land and will not extend onto the reserve, except where it is located immediately adjacent to the slipway.

The slipway will be exposed aggregate concrete that is finished to match the current weathered concrete surface below the containment grate.

The contrasting belt of perforated concrete blocks that currently denote the route of the Opuā – Paihia public walkway will remain intact. A related “slipway” warning sign will be painted onto the slipway surface uphill of the walkway to reinforce the safety message of signs installed either side of the slipway crossing.

A containment screen will be deployed immediately uphill of the walkway. This will be temporarily extended across the slipway during water blasting activity further up the slipway.

A surfaced access will be constructed on the southern side of the slipway. This will be finished in a low-reflectivity surface such as oxide coloured, exposed

aggregate concrete, or interlocking precast paving units. The purpose of the access is to function as the primary pedestrian access from the Richardson Street side of the property down to the wharf, and to allow for mower access to the esplanade reserve by Council's contractors.

A 1.2 m high parapet wall is proposed along the boundary between the boatyard land and the reserve. The purpose of this wall is to prevent overland flow from reaching the reserve.

The intertidal and subtidal section of the slipway will be reconstructed in a similar manner to the existing slipway. The rails will be set amongst the sediment of the beach, supported by sleepers buried beneath the sand surface.

As a result of the proposed dredging providing all tide access to the slipway and wharf, the length of rails extending into the CMA will be reduced from 31 m to 17.5 m. The residual extent of the slipway will be removed from the CMA.

4.6 Proposed earthworks and remediation of contaminated soil

NES obligations

The site is a HAIL site under the NES due to current and historic boat maintenance activities. Accordingly, a detailed site investigation has been carried out by HW (**Appendix 12**). The investigation has confirmed that there is contamination to a depth of around 300mm below ground level. The report includes a site management plan which includes measures to ensure the health and wellbeing of staff when carrying out the proposed earthworks.

General

Earthworks are proposed to lessen the grade of the existing slipway, and to remove contaminated soil from the boatyard site and the adjoining reserve. Contaminated sediment will also be removed from the CMA immediately below the existing slipway.

The rationale for the proposed remediation works is contained in the HW report (**Appendix 12**) and is summarised as follows:

- All soils posing a risk to human health, ecological receptors and aquatic environments with heavy metal contamination will be removed from the site;
- The proposed remediation can be conducted in a suitable time scale and with economic viability;

- The proposed remediation will create a suitable development platform for the proposed redevelopment works, and;
- By remediating contaminated soils within the CMA and soils within the site, the contamination risk to aquatic ecosystems will be avoided.

The HW report includes a remediation plan to reduce the risk to human and ecological receptors to low or within acceptable limits for the proposed end-use. Remediation is proposed by excavation, treatment, and off-site disposal of contaminated soils. Following successful validation of remediation works, the remaining volume of earthworks cut to fill (approximately 171m³) (classed as cleanfill by MfE, NRC and FNDC cleanfill definitions) will then be placed on the privately-owned part of the site. The cleanfill disposal areas are shown on the TS plan attached in **Appendix 9**. The remediation process is shown in Figure 8 below.

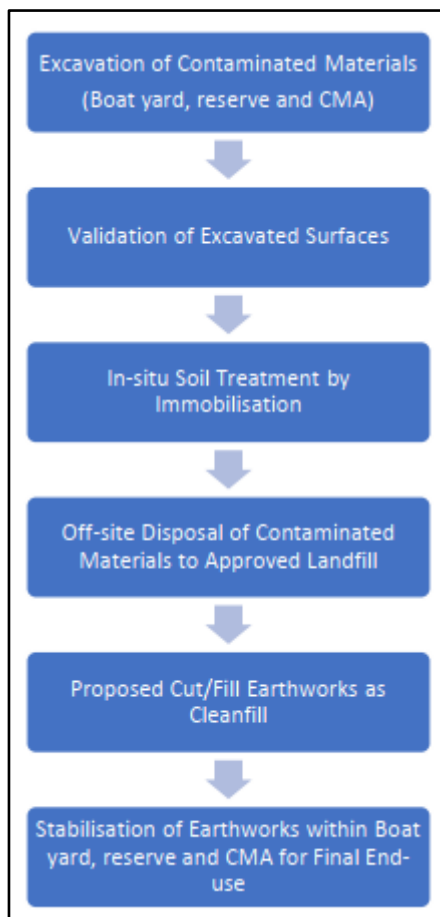


Figure 8: Site remediation process (Source: Haigh Workman).

Slipway excavation

Lessening the grade of the existing slipway involves the excavation of 184m³ of material from beneath the existing slipway over an area of 200m².

Removal of contaminated soil from reserve and boatyard site (outside slipway construction)

60m³ of contaminated material will be removed from the adjoining reserve over an area of 125m², and approximately 61m³ over the remainder of the boatyard site covering an area of approximately 300m². The depth of cut varies between 0.3m and 0.5m and is shown on the drawings in Appendix A of the Haigh Workman report (**Appendix 12**).

Excavations within the reserve will be backfilled with clean imported topsoil validated through laboratory analysis. The area will be revegetated in accordance with the landscape plan in the LLA report (**Appendix 2**).

Total earthworks

Total earthworks volume and area estimates are summarised as follows:

Purpose	Area	Volume
Slipway excavation	200m ²	184m ³
Contaminated soil removal (reserve)	125m ²	60m ³
Contaminated soil removal (DOBY owned land)	300m ²	61m ³
Total	625m²	305m³

Removal of contaminated sediment from the CMA

Remediation excavations within the CMA (capital dredging) will cover an area of 123m² and will be to a depth of 300mm (37m³) (see Haigh Workman drawings and report attached in **Appendix 12**).

Disposal of contaminated soil

Approximately 158m³ of contaminated soil and dredging material will be disposed off-site in an approved facility.

4.7 Capital dredging

Capital dredging is proposed to establish the five all-tide vessel berths and to form an all-tide approach channel (fairway) from the Veronica Channel. The maximum dredge depth is CD-2m around the two marina berths, and CD-1.5m around the working berths, at the reconstructed slipway, and at the approach fairway. The total dredging area including the batter slopes will cover 4,526m². The total capital dredge volume is expected to be 4,329m³ (see extent of proposed dredging and associated details TM plans in **Appendix 11**).

The batter slope in the vicinity of the reconstructed wharf facility, the refurbished slipway, and the northern side of the outer channel is proposed to be 1:4. The batter slope on the southern side of the outer channel is proposed to be 1:6.

Maintenance dredging of 300-500m³ per year is anticipated.

Conventional dredging methods using a barge mounted hydraulic excavator are proposed. A silt curtain will be deployed around the dredging plant for the duration of the dredging operation to minimise the spread of suspended sediment in the water column.

The dredging will be monitored to ensure compliance with the following proposed condition of consent:

The exercise of these consents shall not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 m radius from the dredger:

- (a) The visual clarity, as measured using a black disk or Secchi disc, shall not be reduced by more than 33% of the background visual clarity at the time of measurement; and
- (b) The turbidity of the water (Nephelometric Turbidity Units (NTU)) shall not be increased by more than 33% of the background turbidity at the time of measurement; and
- (c) the Total Suspended Solids shall not exceed 40 g/m³ above the background measurement; and
- (d) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or omissions of objectionable odour; and
- (e) The destruction of natural aquatic life by reason of a concentration of toxic substances.

4.8 Erosion barrier

A subsurface erosion barrier is proposed in the position shown on the TM plans in **Appendix 11**. The structure has been recommended by TM to stabilise the pipi bed located adjacent to the slipway and beach, and to avoid the dredge batter extending into this area.

A sub-surface erosion barrier is a fixed structure intended to act as a groyne. The structure is designed to interrupt longshore drift by encouraging material

to be deposited on the up-current side (i.e. on the shell fish bed), while causing erosion on the downstream (slipway) side. This maintains the shellfish bed and beach, while preventing material build-up on the slipway ramp.

The upper part of the barrier will be buried by the sand of the beach. The mid, intertidal portion will be just visible as a single row of rocks capped by sediment.¹²

¹² See the Total Marine report in Appendix I of the 4Sight report (**Appendix 14**) for further discussion in respect to the erosion barrier.

4.9 Maintenance dredging

Maintenance dredging is proposed to maintain the capital dredging areas around the slipway, working berths and fairway at CD -1.5m and the marina berths at CD -2m.

Maintenance dredging will be carried out and monitored in a similar manner to the capital dredging.

4.10 Boat maintenance activities (on land)

Boat maintenance activities will take place on the 'Yard Work Area' and 'Area A' on the TS plans (**Appendix 9**). Maintenance activities that could cause air and ground discharges are:

- Water blasting.
 - 4-8 hours a week.
- Sanding and grinding.
 - 1-2 hours a day on up to 40 days a year.
- Antifouling of vessels
 - 30-35 boats per year.
- Painting of vessels
 - Occurs approximately 4 times a year involving 6-7.5 litres of paint per vessel.

A range of management measures to avoid potential adverse effects associated with these activities are included in the proposed conditions of consent in section 8 of this report.

4.11 Boat maintenance activities (in the CMA)

Boat maintenance activities in the CMA will be limited to:

- Within the 'Discharge to Air and Offensive Odour Boundary' shown on the TM plan in **Appendix 11**.
- The preparation or smoothing of vessel or facility superstructure using a sanding device fitted with a dust collection apparatus that is operating effectively.
- No preparation or smoothing of vessel hulls, including removal or smoothing of antifouling will be allowed in the CMA, except for the spot application of antifouling paint using a brush for minor repairs not exceeding 200mm in diameter.

4.12 Stormwater management

Stormwater discharge from the existing piped stream (refer to Catchment Area A – VC report)

There is an existing stream that enters the property via a stormwater culvert under Richardson Street. This stream drains the upstream catchment between English Bay Road, De Haven Street, Sir George Back Street and part of Richardson Street. The stream is then piped through the site on the northern side of the slipway before discharging to the CMA.

The Richardson Street culvert has been assessed as being capable of accommodating stormwater from the 10-year and 100 year storm events. In situations where the culvert becomes blocked, stormwater overtops the culvert resulting in overland flow along and across Richardson Street.

The proposal is to install a 0.2-0.5m high nib wall along the entire road frontage of the boatyard (extending the existing nib wall on the lower side of the culvert). This will prevent stormwater that overtops the Richardson Street culvert from entering the property, and ultimately the working area.

In summary, stormwater flows from the upstream catchment will bypass the slipway and stormwater treatment system via primary and secondary overland flow paths. The existing and extended nib walls and general direction of overland flow is shown on the Thomson Survey 'Containment and Stormwater Management' Plan (**Appendix 9**) and further described in the VC report (**Appendix 13**).

Stormwater from non-working areas (refer to Catchments B and D – VC report)

Surface flows from the non-working areas above the boat shed (Catchment C encompassing the access and parking areas) will be conveyed to the piped stream, ultimately discharging to the CMA. No stormwater from Catchment B will enter the working area (Catchment C).

Surface flows from the nonworking area to the south of the boat shed (Catchment D) will be directed to the overland flow path located at the southern end of the site. This flow path discharges to the CMA at an existing marine discharge point.

Existing stormwater and wash water management from working areas (Catchment C – VC report)

The existing site operates under an approved operational management plan (OMP). This plan includes requirements for general site management (i.e.

removal of contamination/debris from working areas following boat maintenance works). In the absence of a proprietary treatment system, the OMP also requires that all wash water and general site stormwater is directed to the public sewerage system. The system lessens the immediate load on the public sewer by attenuating the flow in tanks prior to controlled discharge.

Proposed stormwater and wash water management from working areas

The proposed site works, including the recessed slipway, bunding and parapet walls enable the effective containment of contaminated stormwater from working areas and minimise the potential for additional overland flow from the catchment above.

Stormwater and wash water from working areas will be collected and treated in a Stormwater 360 proprietary system prior to discharge. Stormwater will be directed to and contained within a catch pit (450 x 675mm) positioned on the northern side of the slipway, just above the 10 m MHWS setback line as shown on the Thomson Survey 'Containment and Stormwater Management' plan (**Appendix 9**). The VC report (**Appendix 13**) confirms that the cesspit is capable of receiving flows of up to 28 l/sec (beyond a 1 in 100 year event).

The catch pit will be fitted with a fox valve. When the water blaster is operating the valve will automatically direct wash water to the pump chamber and then to the attenuation tanks prior to discharge to the public sewer¹³. A typical water blasting session generates approximately 0.7 m³ of wash water. The catch pit is sized so that it does not overtop during water blasting.

When the water blaster is not being used, the OMP requires all working areas to be swept clean of debris. Stormwater from rain events falling on the (clean) working area will also discharge to the catch pit. The fox valve will automatically divert to the pump chamber and then to the public sewer until 2.4m³ of water has been pumped to the public sewer¹⁴. At that point the fox valve will then automatically divert additional water to the Stormwater 360 system. This has the effect of flushing any residual contaminants from the slipway prior to additional stormwater being treated and discharged to the CMA.

The Stormwater 360 system tank is designed to treat flows up to 1.42 l/s (a 1 in 10-year event).¹⁵ If the 1 in 10 flows are exceeded, the system will then bypass exceeded flows through its peak diversion bypass weir from where it is

¹³ The fox valve is activated automatically when the water blaster is turned on.

¹⁴ The fox valve is also activated automatically according to the volume of water in the catch pit.

¹⁵ Events larger than this are deemed to be outside normal operating conditions.

discharged via a sampling manhole into the CMA. The effects of such a diluted discharge outside normal operating conditions are likely to be negligible, bearing in mind that no boat washing activities will be taking place during such events, the first flush will have been directed to the public sewer, and the site will have been clean in accordance with the OMP.

The Stormwater 360 filtration device works by gravity. Therefore, during power outages the system will continue to treat the stormwater prior to discharge to the CMA.

The treatment capability of the plant is:

- Suspended solids can be removed to a level which exceeds the ARC TP10 standard of 75% removal of TSS (Total Suspended Solids).
- The proposed treatment system is also configured to remove dissolved heavy metals such as Copper and Zinc by installing 2 treatment cartridges (Zeolite/Perlite) inside the treatment chamber.
- Each cartridge is capable of treating 1.42 l/s of flow with dissolved metals and suspended solids as per the manufacturer's recommendation.

Given the capability of the system, the following treatment standards are advanced as a condition of consent:

- Retain all particles larger than 60 micrometres (μm) in diameter
- Have a total suspended solids (TSS) concentration in the effluent of $\leq 20 \text{ g/m}^3$ or, if this limit is exceeded, then no less than 90% TSS shall be retained.
- Have a total Copper concentration in the effluent of $\leq 20 \text{ mg/m}^3$ or, if this limit is exceeded, then no less than 80% Cu shall be retained.
- Have a total Zinc (Zn) concentration in the effluent of $\leq 50 \text{ mg/m}^3$ or, if this limit is exceeded, then no less than 80% Zn shall be retained.
- Have a total Lead (Pb) concentration in the effluent of $\leq 10 \text{ mg/m}^3$ or, if this limit is exceeded, then no less than 80% Pb shall be retained.

Point of Discharge

4S has recommended that the discharge from the Stormwater 360 proprietary system be at an all tide location to avoid discharge across coastal sediments at low tide. Consequently, stormwater will be piped along the wharf to an all tide location. Similarly, it is intended that the existing stream discharge point will also be extended from the current location to the same all tide location as the Stormwater 360 discharge.

4.13 Parking and access

The existing vehicle crossing will be retained.

Parking spaces will be provided in accordance with the Reyburn and Bryant plan in **Appendix 7**.

4.14 Refurbishment of boat shed

The proposed lowering of the slipway changes the functionality of the boat shed, to the extent that boats can no longer be stored inside the building. That results in a need to change the face of the building as it presents to the slipway. It also provides an opportunity to upgrade it to provide for another 50+ years of functional life.

While the shed has no form of heritage protection and can be modified as a permitted activity under the FNDP (Commercial Zone), the proposed refurbishment has been determined with the input of LLA in order to help preserve the character and amenity of the site.

The steep roof form of the building will be retained, as is evident from the drawing in Figure 9 below.

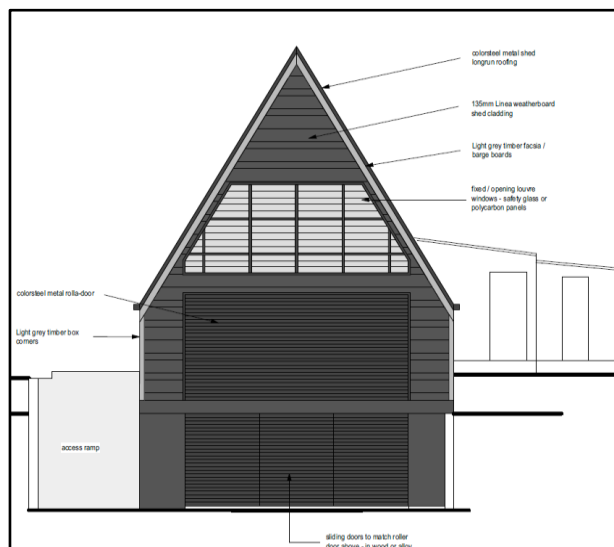


Figure 9: Proposed new eastern building façade (Source: LLA report) – Note: existing slipway level is set approximately at the horizontal dividing beam seen above the lower set of three doors.

The upper floor will be used as a workshop. It will have a large powder-coated roller door to open the end of the building. Below this, a matching panel composed of opening doors will provide access down to the slipway via internal steps to either side, with the central door devoted to a winch pit that will have a direct lead to the slipway.

4.15 Relocation of mooring 630

Mooring 360 (owned by DOBY) is to be relocated so that it is clear of the centre of the fairway in a location approved by the Harbourmaster.

4.16 Proposed enhancement of esplanade reserve

Ultimately the decision on whether to enhance the local purpose esplanade reserve is in the hands of the FNDC parks division. However, the applicant acknowledges the interface between the boatyard operations and in the reserve. Accordingly, LLA was commissioned to look at ways to enhance the reserve for public benefit, and to look at ways that the two uses could co-exist.

LLA reviewed the various objectives and policies of the *Walls Bay Esplanade Reserve Management Plan* (Reviewed October 2014, FNDC) [WBERMP], and produced a concept plan shown in Figure 10 below (see also Attachment 4 of the LLA report in **Appendix 2**).

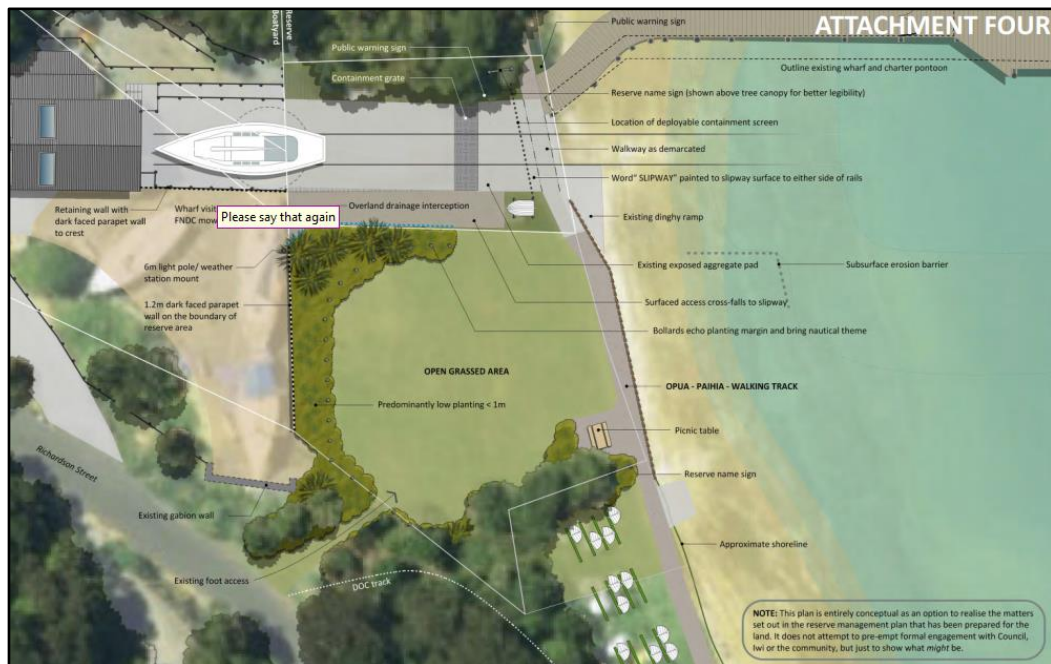


Figure 10: Reserve Area Indicative Concept (Source: LLA report).

It should be noted that the concept is entirely conceptual and will likely require public input prior to implementation. Notwithstanding the process that the FNDC may need to follow, the applicant offers this enhancement on an augier basis. The applicant supports the optimisation of the public use and enjoyment of the reserve and is willing to contribute resources to realising the potential of the space.

4.17 Public access

Wharf

A security gate will be installed on the wharf, just before the T-head part of the structure (see TM plans attached in **Appendix 11**). The boatyard has lifting equipment, as well as storage and permanent berthage at the head of the fixed structure. It is a very hazardous working environment.

The location of the security gate will allow public access down the wharf and small boat access, but it will prevent any access to hazardous areas.

Slipway/walkway interface

The Opuia-Paihia walkway is currently defined by a contrasting belt of perforated concrete blocks as it crosses the slipway. This demarcation will be retained.

A slipway warning sign will be painted onto the slipway surface uphill of the path route to reinforce the safety message of signs installed to be installed either side of the slipway crossing.

4.18 Exclusive occupation area

An extension to the authorised exclusive occupation area is proposed. The proposed new exclusive occupation area will extend from MHWS to a distance 8.8 metres east of the current eastern boundary of the authorised occupation area, and an additional 8 metres north of the existing northern boundary of the existing occupation area. The proposed new occupation area will encompass the whole of the reconstructed wharf facility and vessel berths. The southern boundary is also proposed to be extended an additional 3 metres south to include the area of the workboat mooring and dinghy pull.

4.19 Expiry dates

The proposed expiry date for the NRC consents is 2054.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 Existing environment

Section 104(1)(a) of the RMA requires a consideration of any actual and potential effects on the environment of allowing an activity. For the purposes of this consideration, it is necessary to establish the environment against which the effects are to be assessed.

The existing environment includes the existing site and receiving environment described in section 2 of this report. It also includes authorised activities under the existing DOBY resource consents (until 2036).

The existing DOBY consents will not expire until 2036¹⁶. Therefore, the existing DOBY operation will be part of the existing environment for another 17 years. The proposed new and replacement consents have a requested expiry date of 35 years through until 2054. It is therefore appropriate to consider the effects of the proposed activities against those that have already been consented for the next 17 years and then more generally beyond that through to 2054.

The difference between the existing and proposed activities is summarised in Table 4 below:

Consented activities	Proposed Activities	Difference
Wharf and pontoon (CMA)	Wharf and pontoon (CMA)	<ul style="list-style-type: none"> Similar footprint. Location slightly to the north.
Great Escape Yacht Charters pontoon (CMA)	Great Escape Yacht Charters pontoon (CMA)	<ul style="list-style-type: none"> Same activity – no change. Similar footprint. Location slightly to the north.
5 working berths (CMA)	3 working berths (CMA)	<ul style="list-style-type: none"> Reduction in number of working berths (5 to 3).
No marina berths	2 marina berths (CMA)	<ul style="list-style-type: none"> 2 marina berths
Maintenance dredging around the end of the slipway	Capital and maintenance dredging (CMA)	<ul style="list-style-type: none"> Capital and maintenance dredging

¹⁶ The exception to this is the discharge permits which are the subject to a separate application that is currently before the High Court.

(CMA)		<ul style="list-style-type: none"> Removal of contaminated sediment from CMA.
<ul style="list-style-type: none"> Air discharges (on land and in CMA) 	<ul style="list-style-type: none"> Air discharges (on land and in CMA) 	<ul style="list-style-type: none"> No change except land based activity on reserve recessed below existing ground level - enables better containment.
<ul style="list-style-type: none"> DOBY stormwater and wash water discharging to the public sewerage system. Stormwater from upstream catchment discharging to intertidal location. Upstream stormwater subject to overland flow through working areas in events exceeding 1 in 10. (CMA) 	<ul style="list-style-type: none"> Wash water discharging to the public sewerage system. Stormwater treated in a proprietary system and then discharged to the CMA. Upstream overland flow diverted around working areas. (CMA) 	<ul style="list-style-type: none"> Treated discharge to the CMA. Stormwater from upstream catchment discharge to all tide location. Upstream overland flow diverted around working areas – no potential for contamination.
<ul style="list-style-type: none"> Public access to dinghy ramp only available at high tide. 	<ul style="list-style-type: none"> All tide dinghy access for mooring owners. 	<ul style="list-style-type: none"> All tide dinghy access for mooring owners.
<ul style="list-style-type: none"> Berthed boats rest on sea floor during mid-low part of the tide cycle. Full tide access. 	<ul style="list-style-type: none"> Berthed boats remain floating at all parts of the tide cycle. Full tide access. 	<ul style="list-style-type: none"> Berthed boats remain floating at all parts of the tide cycle. Full tide access – improved boatyard efficiency and benefits users.
<ul style="list-style-type: none"> Anchor pile for dinghy pull (CMA)	<ul style="list-style-type: none"> Timber pile for dinghy pull. (CMA)	Timber vs anchor pile.
Slipway (existing formation and grade) ¹⁷	Reconstructed slipway ¹⁸	<ul style="list-style-type: none"> Reduced grade.

¹⁷ FNDC consent for reconstruction was granted in 2002.

¹⁸ Includes capital dredging in the CMA, and earthworks on the reserve.

		<ul style="list-style-type: none"> ▪ Removal of contaminated soil.
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Table 4: Additional activities relative to the existing environment.

The following assessment of effects has been prepared relative to the existing environment, which includes the existing activities consented until 2036.

5.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan (the FNDP, RCP, RWSP, RAQP and PRP in this instance) permits an activity with that effect. This is commonly referred to as the permitted baseline.

The permitted baseline is limited in the case of the DOBY activities because there are a range of zones involved and the various activities are inextricably linked. However, relevant permitted activities for each of the zones are as follows:

Commercial Zone (FNDP)

- No control on earthworks.
- Commercial buildings and activities (subject to screening).
- Residential buildings and activity (subject to adequate noise attenuation).

Conservation Zone (FNDP)

- 300m³ permitted earthworks volume.

RWSP

- 50m³ of earthworks in the RMZ.

RAQP and PRP

- Air discharges that are not offensive and objectionable.

Mooring and Marine 4 Zones (RCP and PRP)

- Existing stormwater outlet
- Demolition of structures.
- Signs on authorised structures.
- Reconstruction of authorised structures (same location and footprint)

The following assessment of effects has been prepared cognisant of the activities above which can be carried out as permitted activities under the relevant Regional and District Plans.

5.3 Construction effects

The proposed slipway and wharf reconstruction works will be carried out in accordance with a Demolition and Construction Management Plan required as a condition of consent. The proposed condition is included in the suite of proposed conditions in section 8 of this report.

During the demolition, construction and dredging period, it is acknowledged that there will be restricted access to parts of the CMA in the vicinity of the works. However, this will be temporary, and the effects of the restriction will be no more than minor.

5.4 Dredging effects

Effects associated with capital and maintenance dredging are considered in the 4S report (**Appendix 14**).

Sediment dynamics (turbidity)

During dredging most sediment is removed as a cohesive mass by the proposed dredging method (hydraulic grab). However, there will inevitably be some material lost to the water column resulting in localised turbidity before ultimately sinking to the seabed. 4S advise that the amount lost to the water column is typically small based on experience with other small-scale dredging operations undertaken throughout Northland.

4S have considered the localised turbidity caused by the dredging in the context of the overall quantity of sediment discharging into the Veronica Channel and the Bay of Islands from the Kawakawa and Waikare catchments. They conclude that the potential contribution to sediment load in the Bay of Islands from the dredging activity will be so small as to be insignificant.

4S also advise that hydrodynamic modelling and field observations indicate that there is only limited potential for fine sediment disturbed by the proposed dredging to disperse far beyond the close vicinity of the operations. As an additional mitigation measure, 4S recommend that a silt curtain be deployed around the dredging plant for the duration of the dredging operation.

Mobilisation of contaminants

Contaminated sediment at the slipway that will be disturbed or dredged represents a very small proportion of the total dredged volume. However, there is potential for a relatively small amount of contaminant to be resuspended during the dredging and structural operations. 4S advise that most of this will be in a particulate form and not potentially bioavailable.

4S consider that there will only be very localised dispersal of this suspended sediment and any associated contaminants due to the low current speeds and limited capacity for sediment transport. 4S also advise that the deployment of the silt curtain during dredging operations will further reduce the potential for the dispersal of contaminants.

Overall, 4S consider that effects associated with the resuspension of contaminants in sediment are expected to be no more than minor.

Stabilisation of pipi bed

The capital dredging in the vicinity of the slipway has the potential to destabilise the pipi bed caused by changes to the intertidal and subtidal topography/bathymetry. This will be avoided by the subsurface erosion barrier proposed in the intertidal zone at the northern end of the beach.

Effects on subtidal and intertidal habitat and biota

Subtidal and intertidal infauna and epifauna

The dredging will remove all the biota within the footprint of the proposed area to be dredged (1.5m and 2.0m below chart datum). 4S have advised that the substrate (after dredging) will quickly recover to a sandy mud/gravel substratum, similar to the existing substratum. They also consider that the area is likely to be rapidly recolonised by the same or similar fauna that is currently present.

As identified in section 2.3 of this report, all the taxa found at the proposed dredge area are common widespread species in the Bay of Islands and in northern New Zealand coastal inlet environments. 4S advise that the most commonly sampled organisms identified from samples included the rice shell, *Theora lubrica* and the marine polychaete worms *Cossura consimilis* and *Prionospio aucklandica* are tolerant of muddy (fine-grained sediment) (Norkko et al., 2002), and are unlikely to be detrimentally affected by the short-term depositional effects of sediment suspended in the water column by the dredging activity. 4S also note that these polychaete species are also known to be sensitive to pollutants (especially copper) (Waikato Regional Council, 2018), and so their presence is a further indication that the subtidal sediments within the majority of the proposed dredge area are not polluted with heavy metals from the boatyard.

Intertidal shellfish bed

The 4S report states that Pipsis have been shown to have a preference for inhabiting sediments with a low proportion of fine mud sediment (~ 3.4 % in

Anderson 2008) and experiments have shown that high levels of suspended sediment can have adverse physiological effects on pipis, including impaired feeding leading to poor condition and impaired reproductive status.

4S consider that the existing pipi bed is likely to be exposed to regular fluxes in sediment concentration in the overlying waters and sediment settling on the substrate from natural catchment discharges and storm events. They also consider that the scale of this exposure is likely at times to greatly exceed that generated by a small-scale dredging operation of the type proposed. 4S conclude that deployment of the silt curtain as recommended will serve as a precautionary measure to mitigate any potential risk to the pipi bed from sedimentation associated with the dredging activity.

4S note that a small proportion (~5 %) of the pipi habitat will be disturbed during the installation of the subsurface erosion barrier designed to prevent erosion of the beach and pipi bed. The disturbance will comprise removal of pipis and some cockles directly within the footprint of the barrier (~10-20 m²) and there is potential for damage to shellfish from machinery accessing the work area.

In order to mitigate the effects on the pipi bed during construction of the subsurface barrier, all machinery will access the work area from the northern end of the beach to minimise disturbance to the pipi habitat. Consideration was given to transplanting pipis that are currently located within the zone that will be subject to disturbance. However, such a transplant exercise is considered on balance to be unnecessary because the main bed (where there is the greatest concentration of pipis) is to the south of the area that will be disturbed, and the disturbance will be limited to a small proportion of less favourable pipi habitat. 4S expect that pipis will naturally recruit back to any suitable habitat within the disturbed area following installation of the erosion barrier.

Positive effects

Enhanced public access

While the proposed dredging is required to meet the needs of the boatyard operations, it will also provide better all-tide access to the adjoining mooring area from the public dinghy racks located on the adjoining esplanade reserve. Without the dredging, dinghy owners would otherwise need to traverse the mud flats at low tide.

Removal of contaminated sediments

The proposed capital dredging operation will remove sediment from a portion of the beach and slipway area that is contaminated. This material will be transported to an approved disposal site on land. This will have a positive effect by removing a quantity of historical contamination from the marine system and securing it on land.

5.5 Stormwater discharge effects

The proposed stormwater management detailed in section 4.12 of this report is designed to achieve minimum water quality standards in the CMA. Those standards have been derived from the PRP, with high level direction from the RPS.

Implementation of the stormwater management system and compliance with the standards specified in section 4.12 of this report will avoid adverse effects on the receiving environment.

Treated stormwater will be monitored for compliance with the required standards. If the standards are not being met, additional filters can be added to the Stormwater 360 system until compliance is achieved.

5.6 Natural character effects

The potential effects of the proposed works have been assessed in the LLA report (**Appendix 2**).

The natural character of the area is predominantly defined by an enveloping pattern of predominantly native vegetation spanning from ridge to shoreline. This natural character is interrupted by physical (man-made) elements including the nearby Opua Wharf and related settlement hub, the waterside Beechy Street, strings of houses along accessible terrain, numerous moored boats, and the Opua - Paihia Walkway threading its way along the coastline along a cut bench and small boardwalk structures.

The site and the adjoining CMA has not been defined as having heightened natural character in the RPS. However, LLA consider that it sits marginally more towards the natural end of the natural character spectrum than the totally modified.

LLA consider that at an immediate scale, the boatshed, slipway and wharf already detract from natural character, as does the seawall that backs the small beach, the dinghy racks and, to a lesser extent, the manicured presence of the mown grass on the reserve.

LLA consider that the proposed works are not anticipated to shift the natural character balance found at the site to a lesser level than currently exists. While the proposed (reconstructed) wharf will be nominally closer to the headland to the north, that slight shift will not impact on natural character. Similarly, while the slightly greater collective surface area of the intended wharf and its related pontoons occupies a larger “footprint” on the surface of the sea, LLA consider that this small increase will be barely perceptible and will not increase visual dominance.

The LLA report concludes that effects on natural character will be very low (negligible).

5.7 Landscape effects

Landscape effects (as distinct from natural character effects) are those impacts upon the structure, pattern and character of landscape that result from a development or change in land use. In this case, that development or change takes the form of relatively subtle reconfiguring or replacement of built elements that already exist in a consented form.

Potential effects on landscape values have been assessed in the LLA report (**Appendix 2**).

LLA have taken into account the wider context of the site, and in particular the location of the site on the margin of the Opuia Basin. Specifically, the boatyard operation and its related CMA elements sit within a setting where recreational boating activities are a central part of the identity of the *place* and have been for a considerable period. Furthermore, the intensity of moored boats (approximately 80) that occupy much of the basin upstream and downstream of the site have a clear relationship to the boatyard (similar to a marina maintenance hardstand next to a marina).

LLA identifies the boatyard as an integral part of the Opuia maritime landscape, and that the extent of perceptible change resulting from the proposal will be extremely limited. In this context, the LLA report concludes that the adverse effects on landscape values will be very low (negligible).

5.8 Visual effects

Potential visual effects have been assessed in the LLA report.

LLA considered the potential visual effects on the following potential viewing audiences:

- Walkers on the Opuia/Paihia walkway

- Users of the adjacent foreshore and low-lying homes nearby
- Users of Opuia Wharf
- Those in boats travelling along the primary channel to and from Okiato Point and users of moorings on the Okiato side of the waterbody
- Passengers and crew on the Opuia vehicular ferry
- Residents and motorists in western parts of Okiato
- Motorists and pedestrians on Richardson Street
- Occupants of homes positioned on nearby parts of Richardson Street and Sir George Back Street

In general terms, a combination of distance and intervening elements, such as the small headlands at either end of the bay and the flotilla of boats moored offshore, mean that from most vantage points the existing boatyard facilities are not easily seen. The valley floor components (in particular) are entirely obscured from potential vantage points.

The LLA assessment has determined that distinguishing what currently exists from what is proposed will be almost impossible for those audiences upon the Okiato peninsula, Veronica Channel (and upstream past Tapu Point), Opuia Wharf and the adjacent bay. The exception is the proposed darker finish of the boatshed, which LLA consider would bring a *reduction* in visual presence. The LLA report concludes that the adverse visual effects on these viewers will be *very low* (negligible).

For viewers above the site, including a handful of homes on the slope above, LLA consider the change will be more tangible due primarily to a slightly wider wharf and a less reflective finish to the reclad roof of the boat shed. The LLA report concludes that when the positive and adverse elements of the proposal are balanced, the visual effect upon this grouping will be *very low* (negligible).

For users of the coastal walkway, esplanade reserve and the boatyard itself, the extent of change would be viewed at a more detailed level. When initially completed, the works would have a rather “new” and finished appearance in comparison with the more rustic and weathered character of the components that currently exist. However, LLA consider that the scale and nature of the elements would remain largely as they presently are. LLA also consider that the darker boatshed would have a lesser presence than in its current form. In addition, the possibility of landscape planting on the reserve such as that shown in Attachment 4 of the LLA report would soften the interface between the boatyard and the reserve, along with the related portion of the coastal walkway. The LLA report concludes that the adverse visual effect upon the closest viewers will be *very low to low* (negligible to less than minor).

5.9 Amenity values

In considering the magnitude of effects on amenity values from all the DOBY discharges, the limited duration and frequency of water blasting, sanding and grinding, and antifouling/paint application is relevant.

Also relevant is the OMP requirement for screens to be used during water blasting, mitigation relating to the use of the water blaster (specifically that the nozzle is kept below horizontal), and an exclusion zone while paints are being applied.

Amenity values are subjective and will vary according to the sensitivity of different people. Therefore, it is possible that some users of the reserve and walkway might experience a temporary reduction in their enjoyment of those spaces, primarily through the occasional exposure to spray mist. However, for most people the effects on amenity values are unlikely to be significant for the following reasons:

- The limited duration of the activity.
- The discharge is clean misty water only.
- Adherence to the OMP, proposed conditions and other mitigation measures relating to air discharge activities.

It is also relevant that many people find coastal activities along walkways a point of interest. While many people also derive enjoyment from pristine natural environments containing little or no development, that is not the character of this part of the coastal environment.

5.10 Cultural and heritage effects

The recent (now withdrawn) DOBY application was circulated to the relevant iwi/hapū groups with recognised interest in the area. These iwi/hapū groups included Ngāpuhi, Te Rūnanga o Ngāti Hine, Waikare Marae and Kāretu Marae. A submission in opposition was made by the Waikare Marae Māori Committee. No comments were received from the remaining three notified iwi/hapū groups at the time of completing this report.

The submission from the Waikare Māori Committee opposed the application for reasons including spiritual and cultural grounds and lack of consultation with tangata whenua. Cultural impact effects were also raised in submissions from the Clark family.

The current proposal will significantly improve stormwater management and discharges to the CMA. It will also result in remediation of contaminated

sediments through removal via capital dredging, and will impose restrictions on boat maintenance activities that could cause contamination, particularly in the CMA. Under these circumstances, the impact of the proposal on the cultural or ethnic relationship with the CMA relative to the existing consents is considered to be positive.

As a result of the history of the site and the relationship between the parties, the applicant has chosen not to engage in further consultation with tangata whenua, except to the extent of its obligations under MACA. The proposal relies on the public notification process.

The Te Rūnanga o Ngāti Hine iwi management plan is considered in section 6.15 of this report. The application recognises that the shellfish bed located adjacent to the slipway and beach area is a source of kaimoana for at least one member of the community, and as such is a taonga of importance to tangata whenua that needs to be considered. Accordingly, the proposal incorporates an erosion barrier designed to avoid the disturbance of the shellfish bed.

Aside from the existing shellfish bed within the vicinity of the proposed site, there are no identified customary activities that are considered likely to be put at risk by the implementation of the proposal. Furthermore, the New Zealand Archaeological Association website does not show any registered archaeological sites located within the vicinity of the site.

As a precautionary measure, the FNDC standard condition relating to archaeology is proposed. This requires works to cease in the event of kōiwi or new archaeological sites/artefacts being discovered, and requires consultation with Heritage New Zealand Pouhere Taonga before works are able to resume.

5.11 Public access and use of the esplanade reserve

Temporary inconvenience during demolition/construction works

During the demolition, construction and dredging period, it is acknowledged that there will be restricted access to parts of the CMA in the vicinity of the works. However, this will be temporary and the effects of the restriction on access are anticipated to be no more than minor.

All-tide access

While the proposed dredging is required to meet the needs of the boatyard operations, it will also provide better low tide access to the adjoining mooring area from the public dinghy racks located on the adjoining esplanade reserve.

Health and safety

The proposal will not compromise public access to and along the CMA. The proposal will result in a clear demarcation of boat maintenance areas and public use areas. This will also improve health and safety for both the general public and users of the boatyard.

Enhancement of esplanade reserve

The possibility of landscape planting on the reserve such as that shown in Attachment 4 of the LLA report would soften the interface between the boatyard and the reserve, along with the related portion of the coastal walkway.

5.12 Air discharge effects

The effects of air discharges have been assessed in the AECOM report (**Appendix 15**).

There are three primary DOBY activities that can result in discharges to air. These are:

- Sanding and grinding.
- Water blasting.
- Application of anti-fouling and painting.

The magnitude of effects on the environment from the air discharges depends on compliance with the recommended avoidance and mitigation measures in the AECOM report, and ultimately in the OMP.

Sanding and grinding

Regarding the potential dust nuisance and human health effects associated with sanding and grinding, AECOM concludes that subject to adherence to the OMP and other mitigation measures suggested in the AECOM report, sanding and grinding activities are unlikely to result in dust nuisance or adverse health effects at nearby residential locations or on the reserve or walkway.

Water blasting*Human health*

AECOM advise that water blasting is unlikely to result in particulate emissions, and in that regard it will not pose a risk to human health. Specific mitigation measures are proposed to minimise overspray. However, this is for amenity reasons rather than to mitigate any risk to human health

Amenity values

Spray mist (overspray) has the potential to cause amenity effects on the reserve and walkway, and specifically some users of these spaces may find the spray mist objectionable. However, the limited duration and frequency of water blasting, sanding and grinding, and antifouling/paint application are mitigating factors.

Also relevant are the proposed mitigation measures recommended by AECOM. Specifically, the requirement for screens to be used during water blasting, that the water blaster nozzle be kept below horizontal, and the required exclusion zone while paints are being applied.

It is possible that some users of the reserve and walkway might experience a temporary reduction in their enjoyment of those spaces, primarily through the occasional exposure to spray mist. While different people have different sensitivities, the effects on amenity values are not likely to be significant for most people due to the following:

- The limited duration of the activity.
- The discharge is clean misty water only.
- Adherence to the OMP, proposed conditions, and other mitigation measures suggested by AECOM.

Application of antifouling and paint to vessels

AECOM conclude that emissions from paint application are unlikely to cause adverse health effects, subject to the following mitigation measures being employed:

- Use of diisocyanate paints restricted to when wind is blowing up the slipway (within the north-east to south south-east vectors).
- An exclusion zone to be set up around vessels being painted.
- Daily application rate limited to 30 L/day.

AECOM consider that the overall scale of painting activities is small and note that paint usage, which is typically no more than 10 L/day, is considerably less than the permitted activity threshold of 30 L/day in the RAQP.

5.13 Noise effects

Demolition, construction and use of the structures will generate noise that may be audible from neighbouring properties. The noise associated with the removal of the existing jetty facility and construction of the new proposed

structures, associated dredging and beach refurbishment will be controlled by consent conditions that reference construction noise standards. Further control can be exercised through the approval of a construction management plan required as a condition of consent. The construction noise associated with the proposal will be intermittent, occur during standard working hours and days, and accordingly will have minimal adverse effects on nearby residents or visitors to the bay.

Operational noise is already controlled by the existing conditions of consent. There are no additional noise effects expected to arise from the new wharf facility and the proposed uses.

5.14 Biosecurity effects

The site specific and cumulative biosecurity risk posed by marinas within the region appears to remain unquantified, as does the extent to which such invasive/risk species also occur on natural substrates, structures and vessels beyond marinas.

Intuitively, where there are concentrations of vessels, some of which are moving about the coast (or even across oceans), there is potential for fouling organisms to be introduced into an area. Some of these organisms may pose a biosecurity risk, and there are examples of such species being recorded within New Zealand's marinas (i.e. Mediterranean fan worm).

Marinas and boat maintenance facilities such as DOBY can have a positive effect where the facility provides an opportunity to increase the awareness of invasive species, and to look out for and encourage appropriate means of hull cleaning and the disposal of fouling debris removed from vessels. The NRC is also playing an active role in managing the biosecurity risk, with measures being introduced in the PRP.

Assessment and Mitigation measures

All boats that berth at DOBY are, and will continue to be, vetted for their potential to be carrying Mediterranean Fanworm and other risk organisms. One of the core purposes of the facility is the maintenance of boats, including de-fouling and the application of anti-fouling. The facility provides better potential to manage biosecurity risks than stand-alone moorings and will have an overall positive effect on biosecurity.

5.15 Contaminated soils

The contaminated soils and material associated with the slipway reconstruction and foreshore dredging have been considered by HW. The HW report includes a site remediation plan. Remediation is proposed by excavation, on-site treatment, and then subsequent off-site disposal to a landfill facility. The remaining cleanfill will be retained on the privately-owned part of the site.

Adherence to the remediation plan will be required as a condition of consent. Compliance will ensure that the short and long terms effects of the existing contamination are avoided, remedied, and mitigated.

5.16 Cumulative effects

The application does not propose to add additional structures to the CMA, except for the proposed erosion barrier. However, this barrier will be largely buried and is only expected to be partially visible at low tide. Accordingly, this additional structure within the CMA will have a low degree of cumulative effect when considered in conjunction with the other structures.

The reconstructed wharf facility will occupy a similar footprint to the existing wharf facility (to be removed). Furthermore, the refurbished slipway will result in a reduction in the length of this structure as it extends into the CMA.

5.17 Positive effects

The following positive effects are associated with the proposal:

- Boat maintenance facilities are important to the Northland community, a large portion of which derive social well-being from boating activities.
- DOBY also serves international yachts, and therefore there are positive economic benefits for ancillary marine industries.
- The slipway reconstruction enables better containment of stormwater and air discharges.
- The reconstruction of the slipway with a level grade will alleviate the health and safety issues that currently exist when hauling boats up the slipway.
- The dredging around the slipway and adjoining beach area will provide all-tide berthage and better low tide access to the adjoining mooring area from the public dinghy racks located on the adjoining esplanade reserve. This benefits dinghy/mooring owners who would otherwise need to traverse areas of mud flats at low tide.

- The upstream stormwater discharge point will be moved to an all-tide location, thus resulting in improved mixing.
- The DOBY working area discharge will be treated by a state of the art Stormwater 360 proprietary system in accordance with best practice, including a chamber to enable monitoring at the point of discharge.
- Contaminated coastal sediments will be removed through dredging.
- From the applicant's perspective, DOBY is his livelihood and his passion. The granting of consents will have positive economic and social effects for him and his family.
- Reduction in length of slipway extension into the CMA.

6. PLANNING ASSESSMENT

6.1 Consents required and activity status

The various resource consents required for the proposed activities under the FNDP, RAQP, RCP, RWSP, PRP, and NES are detailed in Table 3 in Section 1.8 of this report along with their associated activity status. All the required consents are discretionary activities. The bundle of consents is a **discretionary activity** overall.

The variations sought to the GEYC consent under s127 of the RMA is a discretionary activity.

6.2 Plan weighting

Regional Council consents are required under the operative RAQP, RWSP, RCP, and the PRP. The PRP has proceeded through the public notification process and the ‘Decisions Version’ has now been released.

The PRP (decisions version) is now subject to appeals from a range of parties. Those appeals relate to most aspects of the DOBY consent application. Accordingly, a relatively even weight should be applied to the operative and proposed plans, with overarching guidance from the RPS.

It is recognised that despite the operative plans not being prepared under the NZCPS (2010) and the RPS (2016), they generally still give effect to the relevant provisions in these higher order plans in so far as they relate to the DOBY consent application.

6.3 Operative Regional Coastal Plan performance standards for Marine 4 (Mooring including Marinas) Management Area and General Assessment Criteria (Chapters 31 and 32)

The RCP contains performance standards for activities in the Marine 4 Management Area in section 36.6.11, and assessment criteria for various CMA activities in chapter 32. All the Marine 4 performance standards are relevant to the proposed DOBY activities. The assessment criteria relevant to the DOBY activities are:

- 32.1 General criteria
- 32.2.1 Structures
- 32.2.3 Discharges to coastal waters

- 32.2.5 Dredging and dredging spoil disposal
- 32.2.6 Marinas (and other structures)
- 32.3.1 Criteria for air discharge permit applications
- 32.3.2 Additional criteria for abrasive blasting
- 32.3.3 Additional criteria for discharges of dust

The Marine 4 performance standards, and the various assessment criteria are addressed as follows:

Marine 4 'Mooring including Marina' Zone Performance Standards [31.6.11]

The proposal is measured against the performance standards as follows:

- Noise generated from activities in the CMA will not be excessive as defined in section 326 of the RMA and the noise standards applicable to the FNDC zones in the surrounding environment.
- Lighting on the wharf will be designed to aid navigation and to enhance safety and security for wharf users. The existing vegetation screening, coupled with the low intensity nature of the lighting, ensures that it will not create a nuisance for the surrounding CMA and the adjoining land.
- The proposed stormwater discharges will be treated to achieve the standards set out in section 4.12 of this report. Achieving those standards will ensure that none of the matters in 31.6.11(i)-(v) occur in the receiving waters.
- There will be only a very minor modification to the contour of the foreshore in the vicinity of the slipway (i.e. between 0.01m and 0.02m). Unintended modification associated with the proposed dredging will be avoided by installation of the proposed erosion barrier.
- The proposed structures are in generally the same position as the existing structures. They will not impede safe navigation or restrict the flow of flood waters.
- The proposed air discharges will be controlled in accordance with the recommendations in the AECOM report. Adherence to those recommendations will avoid offensive or objectionable dust or odour emissions, or other airborne pollutants

32.1 General criteria [32.1]

The operative RCP general criteria for activities in the CMA are addressed as follows:

- The operational need for boat maintenance activities to have facilities located in the CMA is self-evident. The facilities already exist and will be upgraded as part of the proposal. The history of the site and the fact that it contains existing infrastructure make it an appropriate location for the proposed activities.
- The proposal replaces existing activities and accordingly there are no cumulative effects relating to structures in the CMA.
- The boat yard land adjacent to the reserve is zoned Commercial, aligning the existing and potential uses of that land with the proposed CMA activities.
- The proposal will not compromise public access to and along the CMA. The proposal will result in a clear demarcation of boat maintenance areas and public use areas. This will also improve health and safety.
- The proposal enhances recreational opportunities in the CMA by providing essential boat maintenance facilities for many of the 80 moorings in the waters surrounding the site, and for boat owners in general.
- The proposed dredging activity will be carried out in accordance with best practice and will be monitored to achieve compliance with consent conditions in respect to water quality during dredging operations.
- Effects on natural character have been assessed by LLA and are considered to be less than minor. Contributing to that assessment are proposed avoidance and mitigation measures in respect to stormwater discharges designed to avoid adverse effects on water quality, sediment quality, and ultimately ecological values in the CMA.
- The effects of the proposed activities can be addressed through conditions of consent designed to avoid and/or mitigate adverse effects on the environment.
- Land based carparking and rubbish disposal facilities are incorporated in the development.

Structures [32.2.1]

The operative RCP assessment criteria for structures in the CMA are addressed as follows:

- The proposed structures are similar in scale to the existing structures. The purpose of the structures is to provide for the operations of the boat yard which in turn support the requirements of recreational boat users.

- The proposal will not compromise public access to and along the CMA. The proposal will result in a clear demarcation of boat maintenance areas and public use areas. This will also improve health and safety.
- The structures will have multiple uses including DOBY boat haulage and maintenance activities, marina berth users, public use (where this will not obstruct or hinder boatyard activities), mooring/dinghy owners, and Great Escape Yacht Charters.
- The visual effects have been addressed by LLA and are less than minor.
- There will be only a very minor modification to the contour of the foreshore in the vicinity of the slipway (i.e. between 0.01m and 0.02m). Unintended modification associated with the proposed dredging will be avoided by installation of the proposed erosion barrier.
- None of the proposed structures are susceptible to sea level rise.
- The proposed structures are necessary to improve the safety and efficiency of boat haulage and maintenance operations, and the Great Escape Yacht Charters operation. These activities are consented until 2036, but the facilities require upgrading well before then. The proposed upgrade is in accordance with best practice and will result in a significantly better operation from both an environmental and operations perspective.

Discharges to coastal waters [32.2.3]

The operative RCP assessment criteria for discharges to coastal waters in the CMA are addressed as follows:

- The receiving CMA environment is not an area with high recreational use (other than boat related activities), cultural or ecological value, and there are no marine farms in the vicinity.
- The discharges from the proposed proprietary system will be treated to a level determined not to affect the health of aquatic life or people.
- The technical assessment carried out by 4S has determined that existing water quality will not be compromised by the proposed discharges. The proposed treatment method is current best practice. The proposal to require discharges to comply with specified standards ensures that water quality standards applicable to the receiving waters will be met.
- The proposed discharge point will be at an all tide location to aid mixing with the receiving waters.

- There will be no discharges on the foreshore, and therefore no scouring is expected.

Dredging and dredging spoil disposal [32.2.5]

The operative RCP assessment criteria for dredging and dredging spoil disposal are addressed as follows:

- The proposed dredging methodology will be in accordance with best practice to avoid (as far as practicable) the suspension of sediments in the water column.
- It is expected that maintenance dredging will be required in the future. The frequency of maintenance dredging is expected to be annual. Maintenance dredging will be carried out in accordance with the same methodology as the capital dredging to ensure that the effects on the environment are minimised.
- The effects of the proposed capital dredging have been assessed by 4S. Due to the nature of the ecology in the proposed dredging areas, effects of the proposed dredging will be minor.
- It is not expected that the proposed dredging will stimulate algal blooms. 4S did not identify that as a potential effect in the assessment.
- There will be no dredge material disposed in the CMA. Dredge material will be disposed in an authorised land-based location to be determined. This application does not deal with the disposal of dredged material.
- The 4S assessment concludes that the short-term effects of increased turbidity associated with the proposed dredging will not be significant and will be mitigated by the dredge methodology and use of a silt curtain.

Marinas (and other structures) [32.2.7]

The operative RCP defines a Marina as:

Marina - a naturally or artificially enclosed or semi-enclosed area of protected water of suitable depth containing moorings in the form of finger jetties, berths or other similar structures which, in combination, provide for the permanent mooring of vessels, each with walking access, and which area is maintained and managed for that specific purpose.

The two berths proposed at the pontoon at the end of the wharf fall within the definition of “marina” and therefore the RCP assessment criteria for marinas apply. That criteria are addressed as follows:

- Given that there are only two proposed marina berths (as opposed to a large-scale facility such as the nearby Opuia Marina), the need to

demonstrate demand is less pronounced. In any event, there is a demonstrated demand for marina berths in the Bay of Islands where the new 250 berth extension to the nearby Opuia Marina is now close to full occupation during the peak summer months.

- The recently expanded Opuia commercial wharf facility (consisting of buildings, marina structures for over 20 vessels, the Opuia to Okiato vehicle ferry landing structures, and dredging) is located within 200m of the DOBY site.
- The marina is very small scale, incorporating only two berths. Those berths were previously working berths, and so in that context they are not new berths in the CMA.
- The proposed marina berths do not compromise public access to and along the CMA. The berths are located at the end of a working wharf and so unfettered public access is not provided for security and health and safety reasons.
- The berths will be viewed in association with the DOBY operation, and in that sense will not have additional adverse effects beyond the previous use of the space for working purposes.
- Rubbish collection and toilet facilities are available on the land-based part of the DOBY facility.
- The core purpose of the DOBY facility is to maintain boats, which is entirely compatible with the proposed marina berths.
- No reclamation is required to facilitate the use.
- The two proposed berths are a better alternative to swing moorings due to the proximity of ancillary boat maintenance and domestic services.
- The proposed berths will be lease or rental berths. They will not be sold.
- If the berths are not occupied, public boat access to the pontoon will be enabled by arrangement.

Criteria for air discharge permit applications [32.3.1]

The operative RCP assessment criteria for air discharge permits are addressed as follows:

- The application includes a range of measures to avoid adverse effects to the greatest extent practicable. Those measures have been recommended by AECOM and are contained in the report. They represent best practice,

tailored to account for the unique features of the DOBY site and the sensitivity of this receiving environment.

- AECOM has determined that there will be no adverse effects on either human health or the health and functioning of ecosystems resulting from the proposed discharges.
- The proposal will have no cumulative effects, or effects on ambient air quality.
- Surrounding environmental conditions been taken into account in determining the proposed mitigation measures.

Additional criteria for abrasive blasting [32.3.2]

The operative RCP assessment criteria for abrasive blasting (specifically, water blasting) are addressed as follows:

- Screens and best practice use of the water blaster will be used to minimise overspray.
- No water blasting will take place in the CMA.
-

Additional criteria for discharges of dust [32.3.3]

The operative RCP assessment criteria for discharges of dust are addressed as follows:

- Dust mitigation measures are proposed during sanding and grinding activities, noting the limitations on these activities in the CMA.

6.4 Operative Regional Air Quality Plan Assessment Criteria for Air Discharges (RAQP)

The RAQP contains assessment criteria for air discharges. The criteria relevant to the DOBY activities are:

- 12.2 'Assessment criteria for air discharge permit applications'
- 12.3 'Additional criteria for abrasive blasting'¹⁹
- 12.4 'Additional criteria for discharges of dust'
- 12.7 'Additional criteria for odour discharges'

¹⁹ The RAQP considers water blasting as being a form of abrasive blasting. This is the only form of abrasive blasting on the DOBY site.

The criteria are addressed as follows:

12.2 'Assessment criteria for air discharge permit applications'

- The application includes a range of measures to avoid adverse effects to the greatest extent practicable. Those measures have been recommended by AECOM and are contained in the report in **Appendix 15**. They represent best practice, tailored to account for the specific features of the DOBY site and the sensitivity of this receiving environment.
- AECOM has determined that there will be no adverse effects on human health, or on the health and functioning of ecosystems resulting from the proposed discharges.
- The proposal will have no cumulative effects or effects on ambient air quality.
- Surrounding environmental conditions been taken into account in determining the proposed mitigation measures.

12.3 'Additional criteria for abrasive blasting' (water blasting)

- Screens and best practice use of the water blaster will be used to minimise overspray.

12.4 'Additional criteria for discharges of dust'

- Dust mitigation measures are proposed during sanding grinding activities, noting the limitations on these activities in the CMA.
- The proposed land-based work area will have a concrete surface.

12.7 'Additional criteria for odour discharges'

- Odour producing activities (primarily paint and antifouling application) will be controlled to comply with relevant national regulations, standards and codes of practice. AECOM have proposed mitigation measures that will ensure compliance.
- One of the mitigation measures proposed by AECOM is a 10 m buffer area during paint application.
- The advice from AECOM is that the odour will not be offensive or objectionable beyond the boatyard property boundary.
- The frequency, intensity, duration and offensiveness of the odour associated with the discharge ensure that the effects will be no more than minor subject to the mitigation measures outlined in the AECOM report.

6.5 Operative Regional Water and Soil Plan Assessment Criteria

Section 36.4 of the RWSP contains assessment criteria for land disturbance activities (earthworks). The criteria is addressed as follows:

- The proposed land disturbance activity (earthworks) is small scale, and within the permitted standards in the FNDP.
- The earthworks will be carried out in accordance with an approved construction management plan and in general accordance with the Reyburn and Bryant sediment control plan attached in **Appendix 16**.
- The proposed sediment control plan has taken into account the proximity and sensitivity of the receiving environment.
- There are no significant indigenous habitats in the vicinity of the proposed earthworks, or any known archaeological sites.
- The proposed sediment control measures follow best practice.
- No vegetation will need to be removed as part of the proposed works.
- The adequacy of the sediment control measures can be easily monitored.

6.6 Proposed Regional Plan (decisions version) – Objectives and Policies Assessment

Zone Description

The PRP includes five coastal zones being:

- Coastal Commercial Zone
- Marina Zone
- Mooring Zone
- Whangārei City Centre Marine Zone
- General Coastal Zone

The waters surrounding DOBY are shown in the 'Mooring Zone' (see PRP map excerpt in Figure 11 below).

The PRP describes the Mooring Zone as:

Locations in the coastal marine area where the primary purpose is to accommodate and manage moorings. [emphasis added]

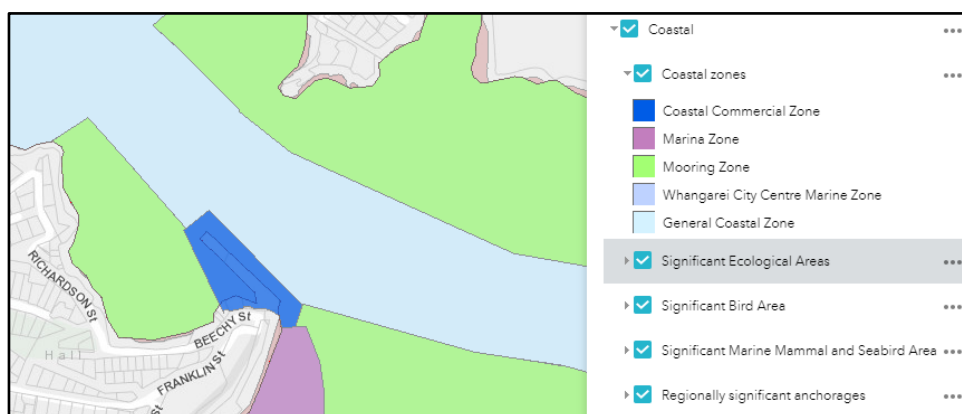


Figure 11: Proposed Coastal zones in the vicinity of DOBY (Source: Proposed Regional Plan for Northland).

Because the proposal is for DOBY to accommodate two marina berths, it is relevant to note that the PRP describes the proposed Marina Zone as:

Locations in the coastal marine area where the primary purpose is to accommodate or develop marina structures and/or activities. [emphasis added]

The proposed Marina Zone at Opuia includes the boat maintenance facilities adjacent to the marina.

The PRP describes the proposed Coastal Commercial Zone (applying to the Opuia Wharf) as:

The Coastal Commercial Zone are locations within the coastal marine area where the primary purpose is to accommodate commercial activity. This zone includes existing ports and wharves used for commercial operations. [emphasis added]

No one coastal zone provides specifically for moorings, marinas, and boat maintenance facilities collectively.

Plan structure

The PRP contains 13 objectives. Those relevant to DOBY are:

- F.1.2 Water quality
- F.1.3 Indigenous ecosystems and biodiversity
- F.1.4 Enabling economic well-being
- F.1.7 Use and development in the coastal marine area.
- F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua.
- F.1.12 Air quality
- F.1.13 Hazardous substances and contaminated land

These objectives are supported by a range of policies that are grouped under six chapters based on resource management sectors being:

- D.1 Tangata whenua
- D.2 General
- D.3 Air
- D.4 Land and water
- D.5 Coastal
- D.6 Natural hazards

All except the natural hazard chapter D.6 contain policies that are relevant to the proposed DOBY activities.

Objectives and Policies Assessment

The relevant objectives are assessed as follows:

F.1.2 Water quality

Manage the use of land and discharges of contaminants to land and water so that:

- 1) existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in H.3 Water quality standards and guidelines, and
- 2) the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and
- 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and
- 4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and
- 5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and
- 6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and
- 7) the significant values of outstanding freshwater bodies and natural wetlands are protected, and
- 8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

Analysis: The advice from VC and 4S is that discharges from the Stormwater 360 system will maintain water quality in the adjacent CMA in accordance with the water quality standards in H.3. Similarly, the discharges will not compromise ecological values or pose a risk to human health. Accordingly, the proposed discharges align with this objective.

F.1.3 Indigenous ecosystems and biodiversity

In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:

- 1) protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- 2) maintaining regional indigenous biodiversity, and

- 3) where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and
- 4) preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established marine or freshwater pests within the region.

Analysis: The advice from 4S is that the area of CMA surrounding the DOBY activities does not contain significant indigenous vegetation or habitats or threatened species., Furthermore, no such features are mapped in the RPS or PRP.

4S have advised that the proposed dredging will not result in significant effects on flora and fauna, and both VC and 4S consider that the quality of the DOBY discharges from the Stormwater 360 system will not compromise the quality of the receiving environment. Accordingly, the proposed DOBY activities align with this objective.

F.1.4 Enabling economic well-being

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

Analysis: The proposed improvements to the DOBY operation will complement the existing marine industry in Opuia by continuing to provide for essential boat maintenance activities, and by providing marina berths as an alternative to swing moorings. The proposal is consistent with this objective.

F.1.7 Use and development in the coastal marine area.

Use and development in the coastal marine area:

- 1) makes efficient use of space occupied in the common marine and coastal area, and
- 2) is of a scale, density and design compatible with its location, and
- 3) recognises the need to maintain and enhance public open space and recreational opportunities, and
- 4) is provided for in appropriate places and forms, and within appropriate limits.

Analysis: The proposal represents an efficient use of space in the CMA, by combining boat maintenance, marina berths, and tourism activities²⁰ in the same facility. The scale of the activities is compatible with other (similar) activities in the Opuia area. The proposal makes specific provision for, and enhances, public open space and recreational opportunities in the immediate vicinity of the DOBY activities. The location is synonymous with recreational

²⁰ Great Escape Yacht Charters

boating, and boat maintenance activities. Accordingly, the proposal aligns with this objective.

F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua.

Protect from inappropriate use and development:

- 1) the characteristics, qualities and values that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
 - b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
 - c) natural character in fresh waterbodies outside the coastal environment, and d) outstanding natural seascapes in the coastal marine area, and
- 2) the integrity of historic heritage in the coastal marine area, and
- 3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

Analysis: The effects on natural character have been assessed by a landscape architect and have been determined to be very low. DOBY is not located in an area that has been identified as having outstanding or high natural character values. The site has been highly modified as evidenced by the April 1967 photograph in Photograph 1. Accordingly, the proposal aligns with this objective.

F.1.12 Air quality

Adverse effects from discharges to air are managed by:

- 1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spray drift, and odour, and
- 2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and
- 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and
- 4) Maintaining, or enhancing where it is degraded by human activities, ambient air quality by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.

Analysis: The proposal incorporates a range of measures designed to avoid and/or mitigate adverse effects on the adjoining reserve and CMA. AECOM has advised that subject to adherence to these best practice measures, the discharges will not have significant adverse effects on the environment in this locality. Accordingly, the proposal aligns with this objective.

F.1.13 Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment, from:

- 1) discharges of hazardous substances, and
- 2) discharges of contaminants from contaminated land.

Analysis: The proposal incorporates measures to protect human health, including a site management plan for the earthworks phase of the project. The proposed removal of contaminated soils and sediment will avoid the risk of discharges of contaminants into the environment. Accordingly, the proposal aligns with this objective.

The relevant objectives and policies are assessed under each chapter as follows:

D.1 Tangata whenua

There are five policies relating to tangata whenua. Policies D.1.1 and D.1.2 are particularly relevant to the proposal as they require specific consideration of effects on tangata whenua and their taonga and resource consent applications.

There is a long history of resource consent applications on the subject land. The current consents, except for the new discharge permits that are currently before the Environment Court, will not expire until 2036. Tangata whenua have previous involvement in applications by the boatyard, with those claiming under the Marine and Coastal Area (Takutai Moana) Act 2011 notified of the earlier, now withdrawn, application for works and structures in the CMA.

The proposed new consents will result in a suite of environmental improvements, including better containment and treatment of stormwater, a best practice monitoring regime, removal of contaminated sediment in the CMA, and a reduction in adverse effects on the reserve. These improvements will have positive effects for tangata whenua and their taonga by ensuring and improving the quality of the environment.

D.2 General

There are eight general policies. Those relevant to the DOBY activities are:

- **D.2.2 ‘Social, cultural and economic benefits of activities’**
- **D.2.11 ‘Marine and freshwater pest management’**
- **D.2.12 ‘Resource consent duration’**
- **D.2.13 ‘Recognising other plans and strategies’**
- **D.2.15 ‘Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features’**
- **D.2.16 ‘Managing the adverse effects on indigenous biodiversity’**

In regard to D.2.2, there are social benefits for the boating community in general through the ability to use the facility, economic benefits for ancillary marine industries, and social and economic benefits for the applicant.

Policy D.2.11 seeks to protect Northland from the adverse effects of marine pests. The DOBY activities (marina berths and boat maintenance) could have adverse effects if they are not appropriately controlled. Conversely, they can also have positive effects through identification, remediation, and education. The DOBY operation is sensitive to the threat that marine pests pose for the Northland environment and has management measures in place to respond as appropriate.

In considering the proposed resource consent expiry dates under D.2.12, there is considerable investment involved in reconstructing the wharf and slipway facilities. The level of this investment justifies the proposed expiry dates as does the reasonably foreseeable future demand for boat maintenance facilities in this area. Furthermore, the effects of the proposed activities are well understood and can be adequately avoided and/or mitigated.

The proposal includes measures that recognise community and tangata whenua values, particularly in respect to the adjoining reserve and the CMA. This responds directly to Policy D.2.13.

In regard to natural character, DOBY is located in an area that is synonymous with recreational boating and related support services. While there are elements of natural character, the DOBY site and surrounding area is a modified environment. LLA have assessed the effect on natural character to be low, indicating that the DOBY activities are appropriately located and are of an intensity, scale, and form that is compatible with this particular environment. This aligns with Policy D.2.15.

There are a range of measures proposed to avoid adverse effects on indigenous biodiversity. These measures are centred around the containment and stormwater treatment system, and the control of activities in the CMA. This responds directly to policy D.2.16.

D.3 Air

There are five policies related to air. Those relevant to the proposed DOBY activities are:

D.3.1 General approach to managing air quality

D.3.3 Dust and odour generating activities

D.3.4 Spray generating activities

The general approach by the applicant to managing air quality has been to follow the recommendations of AECOM. The recommendations have been determined in accordance with best practice and tailored according to the specific nature of the site and the sensitivity of the surrounding environment. This responds directly to Policy D.3.1.

Dust and odour generating activities within the DOBY operation will be carried out in accordance with an operational management plan. This plan is required as a condition of the existing consents and has recently (February 2019) been reviewed by both the FNDC and NRC. It is proposed also as a condition on this application and will incorporate the avoidance and mitigation measures recommended by AECOM. This responds directly to Policy D.3.3.”

Water blasting activities within the DOBY operation will be carried out in accordance with an operational management plan. This plan is required as a proposed condition of consent and contains avoidance and mitigation measures recommended by AECOM. These include the use of screens and best practice use of the water blaster. This responds directly to Policy D.3.4.

D.4 Land and water

There are 32 policies related to land and water. Those that are particularly relevant to the proposed DOBY activities are:

D.4.1 Maintaining overall water quality

D.4.2 Industrial or trade wastewater discharges to water

D.4.4 Zone of reasonable mixing

D.4.5 Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017

D.4.7 Discharges from contaminated land

D.4.26 Land preparation, earthworks and vegetation clearance

Conditions of consent are proposed requiring discharges from the proprietary stormwater treatment system to comply with standards that will ensure compliance with the coastal water quality standards in H.3. This responds directly to Policy D.4.1.

As with the condition relating to stormwater discharges, a similar condition is proposed in relation to coastal sediment quality. Specifically, monitoring is proposed to ensure that there is compliance with the standards in H.3, except where the standards are already exceeded,²¹ in which case monitoring is to

²¹ Standards exceeded prior to any DOBY discharge.

demonstrate a reduction in sediment contamination over time. This responds directly to Policy D.4.1.

The proposed discharge from the proprietary treatment system will not compromise water or sediment quality in the CMA. Conditions relating to the quality of the discharge will ensure that water and sediment quality standards are not exceeded or, in the case of sediments, be further exceeded. The proposal accords with Policy D.4.1, D.4.2, D.4.5, and D.4.7.

The Council will be measuring the quality of the proposed stormwater discharge at the point of discharge. This approach removes any ambiguity around the zone of reasonable mixing, and in that regard does not compromise Policy D.4.4.

The earthworks associated with the slipway reconstruction will be carried out in accordance with best practice erosion and sediment control. This responds directly to Policy D.4.26.

D.5 Coastal

There are 29 policies related to activities in the CMA. Those that are particularly relevant to the proposed DOBY activities are:

D.5.15 Marinas – managing the effects of marinas

D.5.16 Marinas – recognising the benefits of Marina development

D.5.17 Marina Zone - purpose

D.5.19 Marinas and moorings in high demand areas

D.5.22 Dredging, disturbance and deposition activities

The various policies relating to marinas clearly contemplate large-scale marina developments such as that at Opuā, rather than a small scale, two berth marina such as that proposed at DOBY. Therefore, the policies need to be read cognisant of the relative scale of the development.

Policy D.5.15 is focused on managing the effects of marinas by providing adequate shore-based facilities. In the DOBY case, refuse facilities are already provided on the DOBY land. This includes both domestic waste, and waste associated with boat maintenance. Other facilities include toilets, dinghy racks and parking. Given the small scale of the proposal, no refuelling equipment or sewage pump out facilities are proposed. These facilities are available in the nearby Opuā Marina. The availability of land-based facilities within DOBY is commensurate with the scale of the proposed marina. In this regard, the proposal manages the effects to the extent contemplated in Policy D.5.15.

Policy D.5.16 requires the benefits of marina developments to be recognised. In the DOBY case, the use of two berths which are currently consented working berths is an efficient use of water space for boat storage and helps to reduce the pressure on swing moorings elsewhere in the bay. It responds directly to the need for boat storage, particularly where there are maintenance facilities on the adjoining land. There are socio-economic opportunities for both DOBY and boat owners in general. There are also economic benefits for the wider marine industry within the Opuā vicinity.

Policy D.5.17 recognises that the purpose of Marina Zones is to provide for the development and operation of marinas. While the proposed marina berths are not located in a proposed 'marina zone', they are appropriate at the DOBY site because:

- There are only two berths, and these were previously working berths. They are not a new structure occupying coastal space.
- The berths are in a 'Mooring Zone' (which includes marinas), where the fundamental difference between a marina berth and a swing mooring is the connection to the adjoining land and the availability and use of the facilities provided. In that regard, the effects on the environment are less than what could be expected from a swing mooring.
- The berths have a clear synergy with the adjoining boat maintenance facility.

Policy D.5.19 recognises that there is significant demand for on water boat storage and limited opportunities to expand Mooring Zones in specific areas, including Opuā. The policy notes that high density 'on water' boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on water boat storage. While the proposed marina is not high density, it does help to alleviate some pressure on swing moorings in the bay. In this regard, the two proposed marina berths respond directly to Policy D.5.19.

Policy D.5.22 seeks to ensure that dredging, disturbance and deposition activities do not cause long-term erosion within the coastal marine area or on adjacent land, or cause damage to any authorised structure. The application recognises the potential for the proposed capital dredging to result in erosion/destabilisation of the pipi bed and proposes the installation of an erosion barrier to avoid this potential adverse effect. Beyond that, there are no authorised structures that could be damaged as a result of the proposed dredging. Overall the proposed dredging avoids the effects identified in Policy D.5.22.

6.7 Operative Regional Coastal Plan – Objectives and Policies Assessment

Zone Description

The Marine 4 ‘Moorings including Marinas’ zone is described in Section 6.5 of the RCP as:

Marine 4 (Moorings including Marinas) Management Areas are those defined as being appropriate for permanent moorings and which are being managed primarily for this purpose. These Marine 4 (Moorings including Marinas) Management Area boundaries are shown on the Coastal Plan Maps.

Plan structure

The RCP groups its objectives and policies into chapters based on resource management themes, and then further into “protection” and “use and development” policies. Those chapters relevant to the proposed DOBY activities are:

Protection

- Chapter 6 ‘Marine Management Areas’
- Chapter 7 ‘Preservation of Natural Character’
- Chapter 8 ‘Natural Features and Landscapes’
- Chapter 9 ‘Protection of significant indigenous vegetation and the habitats of significant fauna’
- Chapter 10 ‘Public Access’
- Chapter 11 ‘Recognition and provision for Maori and their culture and traditions’
- Chapter 13 ‘Water Quality’
- Chapter 15 ‘Natural Hazard Management’

Use and development

- Chapter 16 ‘Recreation’
- Chapter 17 ‘Structures’
- Chapter 19 ‘Discharges to Water’
- Chapter 20 ‘Discharges to Air’
- Chapter 22 ‘Dredging and Dredging Spoil Disposal’
- Chapter 28 ‘Marine 4 (Moorings including Marinas) Management Area’

Objectives and Policies Assessment

The relevant objectives and policies are assessed under each chapter as follows:

Chapter 6 ‘Marine Management Areas’

Chapter 6 contains one objective and eight policies relating to the identification of Marine Areas in the RCP. None of the provisions are directly relevant to the proposed DOBY activities as they are more aimed at providing guidance to the Regional Council on where to apply the management areas. The provisions in this chapter have indirect relevance where the proposed activities are located within a zone specifically identified as a mooring and marina area, and where there is an identified ancillary need for services to support those activities.

Chapter 7 ‘Preservation of Natural Character’

There is 1 objective and 7 policies relating to the preservation of the natural character of Northland’s CMA. All of these provisions have some relevance to the proposed DOBY activities.

Objective 7.3

Policy 7.4(1)

Policy 7.4(2)

Policy 7.4(3)

Policy 7.4(4)

Policy 7.4(5)

Policy 7.4(6)

The provisions recognise that different parts of the Northland CMA have differing degrees of natural character. As outlined in Policy 7.4(4) the general approach is to provide for subdivision, use and development in areas where natural character has already been compromised, particularly within Marine Management Areas 3, 4, 5 and 6. The explanation for this approach (under Policy 7.4(4)) is so that “*communities can provide for their social and economic wellbeing*”; and that development is consolidated in areas that are already compromised. The proposed DOBY activities are consistent with this approach given the existing land and CMA based activities, and the associated degree of natural character that is evident.

Notwithstanding consistency with the management area approach to natural character, Policies 7.4(1) and 7.4(2) remain relevant. These policies require recognition that all parts of the Northland CMA have some degree of natural character and that the effects of development should be avoided as far as practicable (7.4(1)) or mitigated/remedied to the extent practicable (7.4(2)). To that end, LLA has assessed the effects on natural character and has concluded that, while there are elements of natural character at the site, the effect of the

DOBY activities will be very low in this context. The LLA has included mitigation measures which are designed to mitigate adverse effects on natural character to the extent practicable. This is a direct response to Policy 7.4(2).

Overall the proposed DOBY activities achieve the overall intent of objective 7.3 and the suite of supporting policies. The proposed activities are appropriate in the context of activities provided for in Marine Zone 4. Furthermore, they have existed for a considerable amount of time (to the extent that they are part of the established character of the area), and measures are incorporated in the proposal to ensure that the effects on natural character are low.²²

Chapter 8 'Natural Features and Landscapes'

This chapter directs the NRC to identify outstanding natural features and landscapes, and to protect these features from inappropriate subdivision and development. Neither the Operative RCP nor the more recently formulated RPS and PRP identify outstanding natural features and landscapes in the vicinity of DOBY.

Chapter 9 'Protection of significant indigenous vegetation and the habitats of significant fauna'

There are 6 objectives and 11 policies in Chapter 9 that seek to protect significant indigenous vegetation and habitats of significant fauna. The provisions also focus on the management of effects on mangroves.

Neither the Operative RCP nor the more recently formulated RPS and PRP identify significant indigenous vegetation and habitats of significant fauna in the vicinity of DOBY. This has been reinforced by the assessments carried out by 4S. Furthermore, there are very few mangroves in the vicinity of the site, and none require removal to facilitate the DOBY activities.

Chapter 10 'Public Access'

There are 2 objectives and 5 policies related to public access. Those relevant to the proposed DOBY activities are:

Objective 10.3(1)

Policy 10.4(1)

Policy 10.4(3)

²² Para 29 LLA report (**Appendix 2**)

The overall suite of relevant provisions in chapter 10 seek to maintain and enhance public access to and along the CMA unless there is a public health and safety reason for not doing so.

Public access to the DOBY facilities and CMA will continue to be available and restricted only where health and safety requirements apply.

The proposed DOBY activities make specific provision for the Opua-Paihia walkway running along the coastal margin of the site, and proposals are advanced to maintain and enhance public access and use of the adjoining esplanade reserve.

Policy 10.4(3) provides for the restriction of public access to protect public health and safety, and for the security of commercial operation. This policy is directly applicable to the DOBY activities, where for short periods of time, the use of the walkway and reserve is restricted to enable boats to be manoeuvred up the slipway and boats to be painted (i.e. the exclusion area). It is also applicable to the wharf when boat maintenance operations are taking place.

The DOBY proposal is consistent with the overall intent of these provisions.

Chapter 11 'Recognition and provision for Maori and their culture and traditions'

There is 1 objective and 5 policies that seek to recognise and provide for Maori and their culture and traditions. All the provisions have some relevance to the DOBY proposal.

There is a long history of use and resource consent applications associated with the activities and the activities are well understood by local Maori. The latest proposal incorporates a state-of-the-art best practice stormwater treatment system capable of achieving the water quality standards of the PRP. It is therefore expected that the relative effects on Maori culture and traditions are positive.

As far as the DOBY structures and activities are concerned, these are generally the same as already exist, except that two of the working berths are being replaced with marina berths, and the proposed capital dredging. The dredging will remove and remediate contaminated sediment from the CMA. The removal of contaminants from coastal sediments is expected to be a positive effect on the *mauri* of the CMA.

Overall the proposal recognises and provides for Maori culture and traditions by improving the general quality of the environment in this locality.

Chapter 13 'Water Quality'

There is 1 objective and 3 policies that seek to maintain, and where practicable, enhance water quality. The provisions are largely directed at the Regional Council. However, in an overall sense the proposed DOBY activities achieve the intent of the provisions by ensuring that the proposed discharges achieve specified standards designed to preserve the quality of the receiving waters.

Chapter 15 'Natural Hazard Management'

There are 2 objectives and 5 policies that seek to avoid, remedy or mitigate the adverse effects of natural hazards. All the provisions have some relevance to the DOBY proposal.

While there are no activities in DOBY that are particularly sensitive to natural hazards, it is recognised that the proposed dredging activity could result in destabilisation of the pipi bed adjacent to the beach. This potential effect will be mitigated by the installation of an erosion protection barrier. This is a direct response to Policy 15.4(3).

Chapter 16 'Recreation'

There is 1 objective and 4 policies that seek to provide for recreational uses in the CMA. Those relevant to the DOBY activities are:

Objective 16.3

Policy 16.4(2)

Policy 16.4(3)

The proposed DOBY activities maintain and enhance boating opportunities within the CMA by providing all tide access to the berths, and otherwise resulting in no change to the existing environment. To that end are consistent with Policy 16.4(2).

Policy 16.4(3) seeks to ensure that activities do not compromise existing recreational activities (reverse sensitivity) which are largely confined to recreational boating. The proposal is ancillary to, and therefore compliments these existing recreational uses.

Overall, the proposed DOBY activities achieve the outcomes sought under the provisions in Chapter 16.

Chapter 17 'Structures'

There is 1 objective and 9 policies relating to structures in the CMA. Those with some relevance to the proposed DOBY activities are:

Objective 17.3**Policy 17.4(1)****Policy 17.4(3)****Policy 17.4(6)****Policy 17.4(7)****Policy 17.4(8)****Policy 17.4(9)**

The proposal is consistent with Policy 17.4(1) which seeks to provide for established lawfully established uses in the CMA, noting that the DOBY structures are currently consented until 2036.

Policy 17.4(3) is directly applicable and consistent with the proposed DOBY activities where:

- There is a clear operational need for the structures to be located within the CMA; and
- There is no practical alternative outside the CMA; and
- Multiple use is being made of the structures; and
- Land is available for the land-based component of the operation; and
- Adverse effects can be avoided and/or mitigated.

Policy 17.4(6) is also directly applicable and consistent with the proposed DOBY activities which is *“to provide for the requirements of commercial and recreational vessels for permanent moorings and for related structures and facilities”* in the Marine 3 and Marine 4 zones.

Policy 17.4(7) seeks to achieve integrated management between land and CMA based activities. The proposal responds directly to this policy through the implementation of a range of measures designed to more sustainably manage the interface between the CMA and land-based components of the operation.

Policy 17.4(8) relates to the appropriateness of construction materials and the maintenance of structures once installed. To that end, conventional CMA construction materials are proposed. Ongoing maintenance of the structures will be ensured through conditions of consent.

Policy 17.4(9) seeks to restrict the presence of buildings and signs within the CMA. To that end, no buildings are proposed except for the GEYC building which is already separately consented. Furthermore, signage in the CMA is limited to that required for health and safety.

Chapter 19 'Discharges to Water'

There is 1 objective and 11 policies relating to discharges to water in the CMA. Those with particular relevance to the proposed DOBY activities are:

Objective 19.3**Policy 19.4(1)****Policy 19.4(3)****Policy 19.4(4)**

As stated in the assessment under Chapter 13 'water quality', the proposed DOBY activities achieve the intent of the provisions by ensuring that the proposed discharges achieve specified standards designed to maintain the quality of the receiving waters.

Chapter 20 'Discharges to Air'

There is 1 objective and 6 policies relating to discharges to air in the CMA. Those with specific relevance to the proposed DOBY activities are:

Objective 20.3**Policy 20.4(1)****Policy 20.4(2)****Policy 20.4(3)****Policy 20.4(6)**

Objective 20.3 seeks to avoid, remedy or mitigate effects.

Policy 20.4(1) requires consent authorities to recognise the contribution that ambient air quality makes to natural character, while Policy 20.4(2) seeks to avoid adverse effects on air quality and coastal waters. This is linked to Policy 20.4(3) which seeks to employ the best practicable option, tailored to meet the sensitivity of the receiving environment.

The DOBY air discharge activities will be carried out in accordance with the recommendations of AECOM. Those recommendations represent best practice and are tailored to take account of the sensitivity of the receiving environment (including the CMA and the adjoining reserve). In this way, the proposal responds directly to Policies 20.4(1)-(3).

Policy 20.4(6) recognises that some activities have a minor effect on air quality and, where appropriate, these can be provided for as permitted activities. This policy is relevant to the proposed DOBY discharges for three reasons being:

- The discharges will have very minor effect on air quality; and
- The proposed discharges in the CMA are permitted activities; and

- The proposed discharges elsewhere are arguably permitted subject to interpretation about whether uncontaminated spray mist and paint odour is “offensive or objectionable”.

The proposed DOBY discharges fall within or very close to the intended outcomes sought under Policy 20.4(6).

Chapter 22 'Dredging and Dredging Spoil Disposal'

There is 1 objective and 8 policies relating to discharges to water in the CMA. Those that are relevant to the proposed DOBY activities are:

Objective 22.3

Policy 22.4(1)

Policy 22.4(4)

Policy 22.4(7)

Objective 22.3 seeks to provide for capital dredging for the establishment and operation of *“appropriate facilities (such as marinas and ports) while avoiding, remedying, or mitigating adverse effects”*. The reference to “marinas and ports” continues in Policy 22.4(1), which seeks to restrict capital dredging in Marine 2, 4, 5 and 6 to these activities.

In considering the implications of Policy 22.4(1), it is relevant to note that Policy 22.4(3) is to “prohibit” capital dredging in Marine 3 (Marine Farming Management Area), and the resulting rules reflect that. Conversely, capital dredging is a discretionary activity in Marine 4 indicating that capital dredging can be appropriate in this zone (whether it is associated with a marina or not) subject to careful consideration of effects on the environment. It is also relevant (in the context of these policies) that the dredging is (in part) associated with a marina.

The technical assessments carried out for the proposed DOBY dredging have considered the sensitivity of the receiving environment. Subject to adherence to recommendations in relation to dredging methodology and the erosion protection barrier, the effects of the dredging can be successfully mitigated. This aligns with the overall construct of the policy provisions in this chapter. It is further reinforced by the fact that the dredging is associated with a marina development, specifically referred to in Policy 22.4(1), although that is not critical to the overall consideration given the construct of this chapter and the associated rules.

Policy 22.4(7) promotes the land-based disposal of dredge spoil. All DOBY dredge spoil will be disposed on land, consistent with the direction in this policy.

Chapter 28 ‘Marine 4 (Moorings including Marinas) Management Area’

There are 4 objectives and 20 policies relating to moorings and marinas in the Marine 4 Management Area. Some of the policies are specific to moorings, some are specific to marinas, and some relate to both. Those relevant to the proposed DOBY activities are:

Objective 28.3(2)

Policy 4

Policy 7

Policy 8

Policy 20

Objective 28.3(2) and Policy 4(b) both seek to integrate the management of moorings with the associated demands for shore-based facilities and services. Similarly, Policy 28.3(4)(f) also seeks to provide for moorings where they are associated with a maritime-related commercial enterprise. In that regard, DOBY provides for some of the demand for shore-based facilities and services for the 80 moorings in the water beyond DOBY.

Policy 28.3(7) relates to the location of marinas. It specifically directs the Council to allow for the potential for marina development in Marine 4 management areas. The proposal is consistent with this policy.

Policy 28.3(8)(b) contains a range of matters that a consent authority should take into account when considering resource consent applications for marina developments. The proposal is consistent with these matters the following reasons:

- The location, intensity, character and scale (two berths at the end of an existing wharf) is appropriate to the character of the CMA and adjoining land;
- There is a clear synergy between the marina berths and the boat maintenance activities; and
- Adequate land-based infrastructure is available to service the two berths; and
- There is no conflict with existing moorings
- Environmental effects have been considered and can be avoided and/or mitigated; and

- There are positive social and economic benefits associated with the proposal, including the social benefits of providing a greater number of people with the opportunity to moor their vessels at sought after locations; and
- Providing for demand with a marina berth (albeit only two) enables effects to be controlled to a greater extent than additional swing moorings.
- The marina berths will be available on a short-term lease arrangement and will not be sold.

Policy 14 seeks to avoid the cumulative effects of moorings, including effects arising from insufficient land-based facilities to cater for mooring activity. The DOBY development provides essential services for mooring users, including both boat maintenance and public access facilities. The proposed dredging will provide all-tide access for mooring owners who, at low tides, must traverse the tidal mudflats to get to the dinghy ramp and storage area. To this end, the proposal is consistent with Policy 14. Without the DOBY facilities, there would be adverse effects for the 80 existing moorings in the adjacent waters.

6.8 Operative Regional Water and Soil Plan

Plan Structure

The objectives and policies in the RWSP that are relevant to the proposed DOBY activities are limited to those in Chapter 12 'Land Management' (in respect to the proposed earthworks within the RMZ). All the other land-based activities are permitted activities under this plan.

Objectives and Policies Assessment

There are 4 objectives and 12 policies relating to land disturbance activities (specifically earthworks associated with the reconstruction of the slipway). Those relevant to the proposed DOBY activities are:

Objective 12.5(2)

Objective 12.5(4)

Policy 12.6(2)

Policy 12.6(4)

Objectives 12.5(2) and (4) seek to avoid or mitigate the adverse effects of land disturbance activities on a range of matters. Most relevant to the proposed DOBY earthworks is potential adverse effects on water quality resulting from sediment run-off during construction. These objectives are reinforced by Policies 12.6(2) and (4).

In order to ensure that the proposed earthworks achieve the outcomes sought by these provisions, the slipway reconstruction works will be carried out in accordance with a sediment control plan prepared in accordance with best practice. The requirement for adequate sediment control will be a condition of consent. Adherence to the conditions can easily be monitored.

6.9 Operative Regional Air Quality Plan – Objectives and Policies Assessment

Plan Structure

There are both general and specific objectives and policies in the RAQP. The general objectives and policies cover all discharges, while the specific objectives and policies cover discharges from specific activities.

Objectives and Policies Assessment

There are 3 general objectives and 10 general policies relating to discharges in the RAQP. There are also 2 additional policies for dust and 1 additional policy for odour. Those relevant to the proposed DOBY activities are:

Objective 6.6(1)

Objective 6.6(2)

Policy 6.7(1)

Policy 6.7(3)

Policy 6.7(6)

Policy 6.6(7)

Policy 6.6(10)

Policy 6.9(1) Dust**Policy 6.15(1) Odour**

Objectives 6.6(1) and (2) seek to avoid, remedy or mitigate adverse effects on the environment from the discharges of contaminants to air and (more specifically under Objective 6.6(2)) from odour and dust. This is supported and reinforced by Policy 6.7(1), Policy 6.9(1) 'Dust' and 6.15(1) 'Odour'. The proposed DOBY discharges achieve the outcomes sought by these provisions by ensuring that they are carried out in accordance with the recommendations of AECOM. Those recommendations represent best practice (as directed by Policy 6.7(6)) and are tailored to take account of the sensitivity of the receiving environment (including the CMA and the adjoining reserve). This is consistent with Policies 6.6(7) and 6.6(10).

Policy 6.7(3) recognises that some activities have a minor effect on air quality and, where appropriate, these can be provided for as permitted activities. This policy is relevant to the proposed DOBY discharges for three reasons being:

- The discharges will have very minor effects on air quality; and
- The proposed discharges in the CMA are permitted activities; and
- The proposed discharges elsewhere are arguably permitted subject to interpretation about whether uncontaminated spray mist and paint odour is “offensive or objectionable”.

The proposed DOBY discharges fall within or very close to the intended outcomes sought under Policy 6.7(3).

6.10 Far North District Plan objectives and policies assessment

The existing land based DOBY activities operate under the terms of an FNDC land use consent.²³ No change to this consent is proposed or required. Notwithstanding this, for completeness the relevant objectives and policies for the Conservation zone are considered below.

There are 3 objectives and 4 policies in Chapter 9 of the FNDC. Those that are relevant to the proposed slipway reconstruction are as follows:

Objective 9.3.1**Objective 9.3.2****Policy 9.4.4**

²³ RC 2000812 (Appendix 3)

Objective 9.3.1 is to protect recreation and conservation areas for the purposes for which they have been set aside/reserved. In this case, the proposed works are taking place within an area that is subject to an easement that specifically provides for the slipway and associated facilities and structures.

Objective 9.3.2 is to identify and preserve areas that have high conservation value. The Conservation Zone land adjacent to DOBY does not have high conservation value.

Policy 9.4.4 seeks to manage the effects of activities in the vicinity of recreation and conservation areas so that these areas are not compromised. The proposed slipway reconstruction will enhance the use of the adjoining land by enabling better containment of air and stormwater discharges and providing a clear delineation between working areas and recreation areas.

6.11 Regional Policy Statement for Northland

The RPS was made operative in May 2016. It has overarching relevance to the consideration of resource consent applications made under the RCP, RAQP, RWSP and PRP. This relevance is amplified by the fact that the operative plans were prepared prior to the formulation of the RPS.

The RPS contains policy guidance on a number of matters that are relevant to the proposed DOBY activities. Some of this guidance is very general, while some is quite specific (particularly the reference to the setting of coastal water and sediment quality standards).

The relevant objectives and related policies that are particularly relevant to the proposed DOBY activities are:

- **Objective 3.2** 'Water quality' (**Policy 4.2.1**).
- **Objective 3.5** 'Enabling economic well-being' (**Policies 4.8.4 and 5.2.3**).
- **Objective 3.10** 'The use and allocation of coastal water space' (**Policies 4.8.1, 4.8.3, 4.8.4**).
- **Objective 3.12** 'Tangata whenua involvement' (**Policy 8.1.1**)
- **Objective 3.13** 'Minimising natural hazard risk' (**Policies 7.1.2, 7.1.3**)
- **Objective 3.14** 'The protection of the natural character of the coastal environment' (**Policies 4.6.1, 5.1.2**).
- **Objective 3.15** 'Maintaining and improving public access to the coast' (**Policy 5.1.2**).

Water Quality [Objective 3.2 and Policy 4.2.1]

The proposal aligns with these provisions because:

- Incorporating a stormwater treatment system with requisite discharge quality requirements prior to discharge. These discharge quality requirements are in accordance with standards being introduced in the PRP.

Enabling Economic Well-being [Objective 3.5, Policies 4.8.4 and 5.2.3 RPS]

The proposal aligns with these provisions because:

- The DOBY activities have positive economic and social benefits that justify a continuation of use, particularly given the proposed improvements to effects management, in addition to those that have already been made.
- The two proposed marina berths will complement the existing DOBY facilities and the 80 moorings in the waters surrounding DOBY. The synergy between these uses will result in an overall net public benefit.

Use of coastal water space [Objective 3.10, 4.8.1, 4.8.3, 4.8.4]

The proposal aligns with these provisions because:

- The DOBY facilities and marina berths have a clear functional need to be in the CMA. This is consistent with Policy 4.8.1(1)(a).
- The proposed marina berths will utilise a space occupied by an existing structure (floating pontoon) consented until 2036. This is consistent with the intent of Policy 4.8.1(1)(c).
- The proposed DOBY activities (including the capital dredging) will have a public benefit through enhanced access to and from the coastal environment (particularly for mooring and boat owners).
- The public will be excluded from the structures (except by arrangement) for health and safety and security reasons (the primary purpose of the wharf is for boat maintenance purposes). This responds directly to Policy 4.8.1(1)(c). It is noted that reasonable public access will still be provided where that will not interfere with or obstruct work on the wharf.
- The requested 35-year expiry date for the various consents reflects the level of investment associated with the proposed works, and the fact that the existing consents are being renewed 17 years prior to the current expiry date. This is consistent with Policy 4.8.3.
- DOBY has positive economic and social effects, consistent with Policy 4.8.4. Those benefits include benefits for boat users (social), benefits for ancillary boat maintenance industries (economic).

Tangata whenua [Objective 3.12, Policy 8.1.1]

The proposal aligns with these provisions because:

- There are no archaeological sites on the DOBY site.
- Tangata whenua has been forwarded a copy of the application.
- The DOBY activities have existed at the site for many years. The current consents date back to 2002, and still have an additional 17 years to run (except for those discharge permits currently before the Environment Court).
- The proposed replacement and new consents incorporate better environmental effects management and will continue to improve the quality of the environment. This extends to the proposed capital dredging which will result in contaminated coastal sediments being removed from the CMA.

It is expected that these factors will have a positive impact on tangata whenua.

Natural hazards [Objective 3.12 and Policies 7.1.2, 7.1.3]

The proposal aligns with these provisions because:

- The nature of the proposed improvement works is such that they are not sensitive to natural hazards.

Natural character [Objective 3.14, Policies 4.6.1, 5.1.2]

The proposal aligns with these provisions because:

- The effects on natural character have been assessed by a landscape architect and have been determined to be very low.
- DOBY is not located in an area that has been identified as having outstanding or high natural character values.
- The site has been highly modified as evidenced by the April 1967 Photograph 1.

Public access to the coast [Objective 3.15, Policy 5.1.2]

The proposal aligns with these provisions because:

- Public access to the CMA and along the coast is not compromised and will benefit from the clear demarcation of working and recreation areas.
- Access to the dinghy ramp will be enhanced by providing all tide access for mooring owners.

- The proposed activities are consistent with established uses in the CMA and on adjoining land.
- The amenity values of the adjoining reserve area will be enhanced by better effects management (particularly in respect to air discharges), and the potential enhancements proposed by LLA.

Summary

The proposed site improvement works, together with changes to work practices and the management of effects, align with the relevant provisions of the RPS.

6.12 New Zealand Coastal Policy Statement

Overview

The NZCPS came into effect on 3 December 2010 and contains objectives and policies relating to New Zealand's coastal environment. Because DOBY is located within the coastal environment as defined in Policy 2 of the NZCPS and in the RPS, the NZCPS is relevant.

Issues

The preamble of the NZCPS sets out issues relevant to New Zealand's coastal environment. Issues relevant to the proposed DOBY activities are:

- Loss of natural character, landscape values and wild or scenic areas along extensive areas of the coast, particularly in areas closer to population centres or accessible for rural residential development;
- Continuing decline in species, habitats and ecosystems in the coastal environment under pressures from subdivision and use, vegetation clearance, loss of intertidal areas, plant and animal pests, poor water quality, and sedimentation in estuaries and the coastal marine area;
- Poor and declining coastal water quality in many areas as a consequence of point and diffuse sources of contamination, including stormwater and wastewater discharges;
- Adverse effects of poor water quality on aquatic life and opportunities for aquaculture, mahinga kai gathering and recreational uses such as swimming and kayaking;
- Compromising of the open space and recreational values of the coastal environment, including the potential for permanent and physically accessible walking public access to and along the coastal marine area; and

In addressing these issues, the NZCPS contains 7 overarching objectives which set out the high-level direction for the management of the CMA, and 29 policies designed to follow this direction. Six of the objectives, and most of the policies are relevant to the proposed DOBY activities.

Objectives

The proposed DOBY activities are considered against the seven objectives as follows:

Objective 1

Objective 1 seeks to safeguard the integrity, form, functioning and resilience of the coastal environment by *inter alia* maintaining coastal water quality. The proposal is consistent with this objective because stormwater discharges to the CMA will be treated by a proprietary system and required by conditions of consent to achieve standards that will ensure that the existing water quality is not compromised, and more likely to be enhanced.

Objective 2, Policy 13 'Preservation of Natural Character' Policy 15: Natural 'Landscapes and Features'

Policies 13, 14, 15 (and Objective 2) relate to the preservation of the natural character of the coastal environment, protection of natural features and landscapes, and the restoration of the coastal environment.

The RPS contains mapped natural character and natural landscape areas, and natural features. The DOBY site is not located in any of these areas.

LLA has assessed the effects on natural character and has concluded that, while there are elements of natural character at the site, the site is highly modified and the effect of the DOBY activities will be very low in this context. The LLA report includes mitigation measures that are designed to mitigate adverse effects on natural character to the extent practicable.

Objective 3 and Policy 2 'The Treaty of Waitangi, Tangata Whenua and Maori Heritage'

Objective 3, working in tandem with Policy 2, requires specific consideration of effects on tangata whenua and their taonga and resource consent applications.

As identified elsewhere in this report, there is a long history of resource consent applications on the subject land. The current consents, except for the new discharge permits that are currently before the High Court, will not expire until 2036. They are well understood by tangata whenua.

The proposed new consents will result in a suite of environmental improvements, including better containment and treatment of stormwater, a best practice monitoring regime, and a reduction in adverse effects on the

reserve. These improvements will have positive effects for tangata whenua and their taonga by ensuring and improving the quality of the environment.

Objective 4, Policy 18 'Public Open Space', Policy 19 'Walking Access'

Objective 4, working in tandem with Policies 18 and 19, seek to maintain and enhance the public open space qualities of the coastal environment. This includes by recognising the CMA as an extensive area of open space, by maintaining and enhancing public access, and recognising coastal processes and the effects of climate change that can impact on access.

The proposed DOBY development responds to this policy direction by:

- Maintaining and enhancing the Opua-Paihia walkway experience; and
- Enhancing the amenity values of the adjoining esplanade reserve through improved containment of effects (primarily air discharges); and
- Enhancing the amenity values of the adjoining esplanade reserve through proposed planting and other improvements.

It is noted that Policy 19(3) states that restrictions on public walking access to and along the CMA should only be imposed to *inter alia* protect public health or safety. This is directly applicable to the DOBY slipway activities where the occasional and temporary restriction on the walkway when boats are being moved from the CMA to the site or vice versa will be retained for health and safety reasons. This also recognised and provided for in the existing land use consent RC 2000812.

Objective 5 and Policy 25 'Subdivision, use and development in areas of coastal hazard risk'

These provisions seek to avoid increasing the risk of adverse social, environmental and economic effects resulting from coastal hazards. The nature of the proposed DOBY land-based activities are such that they are not sensitive to natural hazards.

Objective 6 and Policy 6 'Activities in the Coastal Environment'

Objective 6 and Policy 6 recognise that some activities have a functional and operational need to locate in the CMA, and that these activities are important to the social, economic and cultural well-being of people and communities.

The proposed DOBY activities are consistent with these provisions for the following reasons:

- There is a clear functional need for the activities to be located in the CMA.

- Boat maintenance facilities are important to the social well-being of boat owners.
- The proposed activities sit comfortably within the existing environment. More specifically, the land adjoining the esplanade reserve is zoned for commercial purposes and contains an existing boat maintenance facility. The adjacent CMA already contains wharf facilities consented until 2036.
- Public use of the CMA is enhanced through better (all-tide) access for mooring owners.
- The wharf structures will be available for public use by arrangement, noting that the primary purpose of the wharf is for boat maintenance activities.
- There are no significant ecological areas or values associated with the receiving environment, including the proposed dredge area.
- The proposal incorporates significant operational improvements, including best practice management of effects on the environment.

Policy 5: Land and Water Managed or Held Under Other Acts

In accordance with section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, the applicant has sought the views of those who have applied for Customary Marine Title under this Act. The responses will be forwarded to the Regional Council once they have been received.

Policy 21: Enhancement of Water Quality, Policy 22: Sedimentation, Policy 23: Discharge of Contaminants

These policies seek to maintain, and where possible enhance water quality and the discharge of contaminants within the CMA. Potential effects on water quality relating to both the construction and operation phases of the marina have been considered and addressed in the 4S report. Adherence to best practice during demolition, construction, earthworks and dredging will avoid adverse effects on water quality during the construction phase of the development.

The collection and treatment of stormwater in a proprietary system prior to discharge to the CMA, and a requirement for the discharges to meet specified standards will avoid adverse effects on coastal water and sediment quality from boatyard related activities. Similarly, controls on boat maintenance activities, both on the land and in the CMA, will avoid adverse effects on coastal sediments and water quality and the quality of the environment in general.

6.13 Overall objectives and policies conclusions

Despite all the legacy regional plans having been prepared prior to the current NZCPS and RPS, there is a general consistency of approach throughout the range of planning instruments.

One of the key matters introduced in the RPS is a direction to set coastal sediment and water quality standards, and the subsequent response to that direction in the PRP. While the need to consider water and sediment quality is implicit within the objectives and policies of the operative Regional Coastal Plan, the setting of measurable standards is a fundamental change introduced by the higher order RPS document.

The proposed DOBY activities have been designed and will be controlled in accordance with best practice. This best practice includes controls relating to earthworks, dredging, and air and stormwater discharges. The approach taken is in full alignment with all the relevant statutory planning documents including the NZCPS, right through to the FNDP.

6.14 Te Rūnanga o Ngāti Hine iwi management plan

Iwi management plans are relevant when considering applications for resource consent under section 104(1) of the RMA.

DOBY falls within the rohe of Te Rūnanga o Ngāti Hine. There is an iwi management plan for the area entitled Ngati Hine Iwi Environmental Management Plan.

The proposed works are focused on improving the efficiency of the DOBY operation, including improved environmental effects management (including air and stormwater discharges), and the remediation of contaminated soils and sediments. Improvements to the quality of the environment are a focus of the Ngati Hine Iwi Environmental Management Plan.

DOBY recognises that the shellfish bed located adjacent to the slipway and beach area is a source of kaimoana for at least one member of the community. As such it is a taonga of importance to tangata whenua that needs to be considered. Accordingly, the proposal incorporates an erosion barrier designed to avoid the disturbance of the shellfish bed.

While previous submissions received from Ngati Hine and other iwi affiliates have been opposed to the DOBY operation, the proposed improvements associated with this application will improve the quality of the environment relative to the existing consents that extend through to 2036. In that regard,

the proposal has considered and responded to key matters raised in the management plan.

6.15 Part 2 RMA

In considering this application under s 104(1), the required assessment is subject to Part 2 of the Resource Management Act.

The purpose of the RMA, as contained in Section 5, is to promote the sustainable management of natural and physical resources. Section 5(2) states that:

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal is consistent with the purpose of the RMA for the following reasons:

1. It provides for the social well-being of boat owners in Northland, the boatyard owner, and for international yacht owners, by providing an essential service for this sector.
2. It provides better efficiency for DOBY operations.
3. It improves health and safety aspects of the DOBY operation and the public in general.
4. It improves the management of environmental effects.
5. It improves the integrity of structures within the CMA.
6. It remediates contaminated soils and sediments.
7. It seeks to avoid and/or mitigated potential adverse effects.

7. CONSULTATION AND NOTIFICATION

7.1 Notification

It is requested that the application will be publicly notified.

7.2 Consultation

The applicant has recently been through a notified resource consent application for a similar range of activities to those now proposed. Multiple parties filed submissions, including iwi and other interest groups opposed to the DOBY operation in general. That application was declined.

The applicant has considered the issues raised by the various parties, and where practicable and appropriate has sought to alleviate those concerns within the current proposal. Overall, the effects of the proposed activities relative to those already consented are positive.

The applicant considers that further consultation/discussion with interest groups is unlikely to yield positive results. As a result, the applicant seeks to rely on the public notification process to draw out any additional issues beyond those raised with the previous resource consent application.

7.3 Parties under section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011

The applicant has sought the views of those who have applied for Customary Marine Title under the Marine and Coastal Area (Takutai Moana) Act 2011. Subsequent responses will be forwarded to the NRC.

8. PROPOSED CONDITIONS OF CONSENT

The following are the basis for proposed conditions for the regional consents adapted from the various technical reports submitted with this application:

Mooring Relocation

1. Mooring 360 is to be relocated to the position shown on the TM plans (insert reference).

Earthworks and soil remediation

2. All works to be carried out in accordance with the following plans:
 - Earthworks plans included in the HW report and those prepared by TS (insert final references)
 - Site Management Plan (Haigh Workman) (insert final reference)
 - Remediation Action Plan (Haigh Workman) (insert final reference)
 - Sediment control plan (Reyburn and Bryant) (insert final reference)
3. Prior to construction commencing, remedial methods and measures outlined in the HW report dated XXXX shall be agreed with the consent authority.
4. Construction works shall be monitored by a SQEP in accordance with the recommendations in the HW report dated XXXX.
5. Review of final development plans by a SQEP familiar with the findings of the HW report dated XXXX to confirm the recommendations of this report do not need amendment;

Structures in the CMA

6. Structures shall be located and constructed in accordance with the plans prepared by Total Marine (insert reference).

Demolition and Reconstruction of the wharf and associated structures

7. As part of the notification required by Condition 2, a Demolition and Construction Management Plan (DCMP) shall be submitted to the Council's Compliance Manager for Certification. As a minimum the DCMP shall include the following:
 - The expected duration (timing and staging) of the demolition and construction/refurbishment works including disposal sites for unsuitable material.

- Details of sediment controls (e.g. silt curtains/screens) to be established during the demolition and construction works, including during dredging for slipway refurbishment.
 - The commencement and completion dates for the implementation of the sediment controls.
 - Measures to ensure protection of the shellfish bed.
 - Monitoring procedures to ensure adverse effects on water quality beyond works area in the CMA are minimised.
 - Measures to prevent spillage of fuel, oil and similar contaminants.
 - Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances.
 - Means of ensuring contractor compliance with the DCMP.
 - The name and contact telephone number of the person responsible for monitoring and maintaining all sediment control measures.
 - Measures to ensure and maintain public access along the Opuia-Paihia walkway (as far as practicable)
8. The Consent Holder shall undertake the activities authorised by this consent in accordance with the approved DCMP.

Advice Note: The council's Compliance Manager's certification of the DCMP is in the nature of certifying that adoption of the DCMP is likely to result in compliance with the conditions of this consent. The Consent Holder is encouraged to discuss its proposed DCMP with council monitoring staff prior to finalising this plan.

Dredging (capital and maintenance)

9. Dredging to be carried out in accordance with the TM plans (insert reference) and the recommendations in the 4S report dated XXXX.
10. The dredging will be monitored to ensure compliance with the following proposed condition of consent:
11. The exercise of these consents shall not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 m radius from the dredger:
- The visual clarity, as measured using a black disk or Secchi disc, shall not be reduced by more than 33% of the background visual clarity at the time of measurement; and

- The turbidity of the water (Nephelometric Turbidity Units (NTU)) shall not be increased by more than 33% of the background turbidity at the time of measurement; and
- the Total Suspended Solids shall not exceed 40 g/m³ above the background measurement; and
- The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or omissions of objectionable odour; and
- The destruction of natural aquatic life by reason of a concentration of toxic substances.

Stormwater Management

12. Stormwater management shall be in accordance with the recommendations in the Vision Consultants report (insert reference) including:

- Working area stormwater treated in a Stormwater 360 proprietary system prior to discharge.
- A monitoring chamber installed at the outlet from the Stormwater 360 system.
- The CMA discharge point for all DOBY working area stormwater, and stormwater from the upstream catchment to be in an all-tide location as shown on the TM plan (insert reference).

13. The following treatment standards shall be achieved:

- Retain all particles larger than 60 micrometres (µm) in diameter
- Have a total suspended solids (TSS) concentration in the effluent of ≤ 20 g/m³ or, if this limit is exceeded, then no less than 90% TSS shall be retained.
- Have a total Copper concentration in the effluent of ≤ 20 mg/m³ or, if this limit is exceeded, then no less than 80% Cu shall be retained.
- Have a total Zinc (Zn) concentration in the effluent of ≤ 50 mg/m³ or, if this limit is exceeded, then no less than 80% Zn shall be retained.
- Have a total Lead (Pb) concentration in the effluent of ≤ 10 mg/m³ or, if this limit is exceeded, then no less than 80% Pb shall be retained.

Discharge Contaminants to Air in the Coastal Marine Area

14. The discharges to air authorised by this consent applies only to the 'Discharge to Air and Offensive Odour Boundary' area below Mean High Water Springs identified on the attached Reyburn and Bryant plan (insert reference).

15. The preparation or smoothing of vessel hulls including removal or smoothing of antifouling shall not be undertaken in the consent area. The preparation or smoothing of vessel or facility superstructure using a sanding device shall not be undertaken unless a dust collection apparatus that is operating effectively is attached to the device.

Discharge Contaminants to Air from Land

16. The discharges to air authorised by this consent apply only to the 'Discharge to Air and Offensive Odour Boundary' area landward of Mean High Water Springs identified on the attached Reyburn and Bryant plan (insert reference). This consent does not authorise dry abrasive blasting activities.
17. The preparation or smoothing of vessel hulls or superstructure including removal or smoothing of antifouling using a sanding or grinding device shall only be undertaken using an appropriate dust collection system that is operating effectively.
18. A permanent weather station capable of measuring wind speed and direction at a height of 6 m shall be installed on the boat yard site.
19. Sanding and grinding operations shall only be conducted when the wind speed is between 0.5 m/s and 5 m/s (as an hourly average). The application of antifouling and paint shall only be undertaken when the windspeed is greater than 0.5 m/s and when apparent wind on the slipway is from the northeast to south (wind is blowing up the slipway through an angle of 45 to 170 degrees).
20. All spray application of antifouling paint shall comply with Environmental Protection Agency rules including setting up of a controlled work area around the vessel concerned.
21. An exclusion zone (commensurate with the edge of the slipway and walking track) shall be setup around vessels being painted. Temporary signage shall be placed on the edge of the reserve and at the bottom of the slipway notifying the public that painting of vessels is taking place. The signage shall be designated to comply with the requirements of the Environmental Protection Agency rules.
22. Temporary screens shall be erected between the blasting area and the walking track at all times during high pressure water blasting to mitigate effects of spray drift.
23. All equipment used to avoid or mitigate any adverse effects on the environment from emissions to air shall be maintained in good working order.
24. The Consent Holder's operations shall not give rise to any offensive or objectionable dust, overspray, or odour at or beyond the 'Discharge to Air and

- Offensive Odour Boundary' as identified on the attached Reyburn and Bryant plan (insert reference).
25. The maximum daily paint application rate for all paints, excluding those which contain diisocyanate compounds, shall be restricted to no more than 30 L/day.
 26. The use of diisocyanate based paints shall be restricted and limited to no more than 15 L/year.
 27. Diisocyanate painting shall only be undertaken when the wind is from the northeast through to south southeast direction (i.e. 45° to 170°). The consent holder shall advise the councils assigned monitoring officer, in writing, when diisocyanate painting is to occur at least 24-hour beforehand on each occasion.
 28. The Consent Holder shall, on a daily basis, keep records of all occasions when water blasting and spray coating activities are undertaken. These records shall be made available to the council's assigned monitoring officer on written request and shall include the:
 - a. Item(s) being spray coated;
 - b. Location at which spray coating occurred;
 - c. Date and time (Hours) of operation each day, including a record of the
 - d. wind speed and direction at the commencement and conclusion of works on each day;
 - e. Number of spray coating units being used; and
 - f. Types and volumes of coating materials being applied.

9. CONCLUSION

There is a history of boat maintenance activities (including a commercial slipway) at this site (including on what is now the esplanade reserve) since 1966. The current slipway was granted consent in 1976 and constructed in 1979.

The current DOBY ownership began in 1994, and the facility currently operates under consents that were issued in 2002. The existing DOBY coastal permits still have 17 years to run and expire in 2036.

The proposed consents that are the subject of this application, except for the two marina berths, are improvement works designed to improve operational efficiency and environmental effects management (including the remediation of contaminated soils and sediments, and replacement of the wharf). The two marina berths replace two working berths.

The new wharf structure and associated pontoons will have a similar footprint and location to the existing wharf and pontoons. Activities on the wharf and pontoons will remain the same, except for the replacement of two pontoon working berths with marina berths, and there being no maintenance activities below the waterline that could result in contaminants entering the CMA.

The proposed dredging will enable all-tide berthing and access for mooring/dinghy owners. It will also result in the removal of contaminated sediments from the base of the slipway. Dredging operations will be controlled by conditions of consent. Mitigation includes the use of a silt curtain to minimise the extent of sediment in the water column.

The proposed slipway reconstruction will lessen the grade of the slipway with corresponding positive effects on health and safety. The recessed slipway will also aid in the containment of stormwater, waterblasting contaminants, and air discharges. Earthworks associated with the reconstruction will result in contaminated soils being removed from the site.

The proposed stormwater management improvements for the site include the installation of a proprietary treatment system prior to discharge to the CMA, and the discharge of all wash water to the public sewerage system. Further improvements include extending the existing discharge points for non-working area and treated stormwater to an all-tide location.

The proposed marina berths are a minor addition to the overall DOBY development. They are ancillary to boat maintenance activities and alleviate some of the pressure on swing moorings elsewhere in the bay. The berths are appropriate in this location where there are existing land-based facilities to cater for user needs.

The requirement to balance the need to allow for public access and the use of public space with the need to provide for safety and security measures in relation to public health and safety is acknowledged. The proposal achieves this balance by facilitating a continuation of reasonable public access and use, including improved safety for users of the Opua-Paihia walkway, all-tide access for dinghy/mooring owners, and proposed improvements to the esplanade reserve.

Technical assessments that have informed the final design of the proposed works include engineering (stormwater), engineering (marine), engineering (geotechnical), ecology (marine), natural character/landscape/visual, and air discharges. While the proposal will result in some change to the existing environment, no significant adverse environmental effects have been identified. Overall, the proposal will be an improvement on the existing consented use.

A range of consent conditions are proposed to achieve the appropriate balance in achieving sustainable management under the RMA.