

Kerikeri Service Centre  
22 SEP 2022

## Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

This is a submission on the Proposed District Plan for the Far North District.

Full Name:	DOUGLAS MAIR SCHMUCK		
Company / Organisation Name: (if applicable)	DOUG'S OPUA BOATYARD		
Contact person (if different):	1 RICHARDSON STREET OPUA 0200		
Full Postal Address:	B.O.I. Ph/Fax (09) 402 7055 GST No. 051-243-021		
Phone contact:	Mobile:	Home:	Work:
	021 143 7719	09 4074 577	
Email (please print):	TOTARA HILL EXTRA. RD. NZ		

• **Submitter details:**

- (Please select one of the two options below)

I **could not** gain an advantage in trade competition through this submission  
 I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** directly affected by an effect of the subject matter of the submission that:
- (A) Adversely affects the environment; and  
 (B) Does not relate to trade competition or the effect of trade competition

I **am not** directly affected by an effect of the subject matter of the submission that:

(A) Adversely affects the environment; and  
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

**The specific provisions of the Plan that my submission relates to are:**  
(please provide details including the reference number of the specific provision you are submitting on)

PLEASE SEE ATTACHED SUBMISSION  
DATED 22/9/22

Confirm your position:  
(please tick relevant box)

Support

Support In-part

Oppose

**My submission is:**

(Include details and reasons for your position)

PLEASE SEE ATTACHED SUBMISSION  
DATED 22/9/2022

**I seek the following decision from the Council:**

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

PLEASE SEE ATTACHED SUBMISSION  
DATED 22/9/2022

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Yes

No

Do you wish to present your submission via Microsoft Teams?

Yes

No

**Signature of submitter:**

*(or person authorised to sign on behalf of submitter)*

Date:  22/9/2022

*(A signature is not required if you are making your submission by electronic means)*

**Important information:**

- The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
- Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
- Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

**Send your submission to:**

- **Post to:** Proposed District Plan
  - Strategic Planning and Policy, Far North District Council
  - Far North District Council,
  - Private Bag 752
  - KAIKOHE 0400
- **Email to:** [pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)
- Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.
- **Submissions close 5pm, 21 October 2022**
- Please refer to [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) for further information and updates.

*Please note that original documents will not be returned. Please retain copies for your file.*

**Note to person making submission**

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



A SUBMISSION TO THE

1 Richardson Street, Opua, Bay of Islands  
Ph (09) 402 7055, A/h (09) 407 4577

PROPOSED FAR NORTH DISTRICT PLAN (PFNDP)

I am the proprietor and owner of the boat maintenance and repair facility known as Doug's Opua boatyard (DOBY).

This particular commercial activity was the first of its kind in the township of Opua created 1883 and has operated in this capacity since 1966.

Along with a wide spectrum of boat maintenance and repair are several other activities directly connected with recreational and charter vessels, where public access to the CMA is enhanced and controlled on and over the exclusive occupations and structures of DOBY for all of those purposes including a commercial marina.

Furthermore, the scale, intensity, and character of the activities in conjunction with land occupations over the adjoining Esplanade Reserve, created by a road stopping that I undertook pursuant to Part XXI of the Local Government Act 1974, has directly underpinned all that has followed since 1995.

In mid 2020, after twenty seven years of wrangling with issues surrounding (Reverse Sensitivity), all of the matters pertaining to public access over the Esplanade Reserve in juxtaposition with this boatyard, including two Treaty Claims, were adjudicated by five Justices of the Supreme Court. In attendance were myself through Alan Galbraith QC and the FNDC through Jack Hodder QC and the Opua Coastal Preservation Society whom are now bankrupt and defunct; a group of citizens who had been behind and driven these issues through out that time, and eventually into the courts.

With regard to the Operative District Plan there are agreements reached with the FNDC hearings committee for that plan and MEA plan rules within it through the Department of Conservation that were settled before the Environment Court after rezoning of DOBY to commercial from residential. Therefore, having no other gauge by which to set the new zoning at the time. In effect, relying on the rule for (Cross Boundary Activities And Structures) that interfaced with the CMA under the separate authorities of the two councils.

With the above in mind, I have considered closely the PFNDP and have two specific concerns regarding proposed zoning of this site in light that the proposed plan has moved away from a strictly effects basis to an activity doctrine. Therefore the first matter involves 1/5 Beechy St, Opua whereby I believe that this is solely a zoning mistake as there is no way you can have a Rural Production Zone under a property supported by pilings over the CMA without so much as a scrap of dirt to its name accept perhaps in a plant pot. As opposed to the farm I own at 121 Porotu Road, Oromahoe which is now and will always remain in the Rural Production Zone.

\$21.001

The latter concern is of course 1 Richardson St. Opua being DOBY itself. In its case this may also be a mistake by way of no consideration of the implications of existing (Cross Boundary Rules) associated with it when applied uniformly with the MEA at Opua that has now become the Light Industrial Zone (LIV) that has no equivalence in the Operative District Plan. Let alone by definition as to what the parameters of the activities that are now proposed in the LIZ. And clearly this site is now no longer a commercial site by definition in the PFNDP and should be readdressed along with all the legal implications for these activities that now run with the land both on the site itself; the esplanade reserve; and in the CMA.

I therefore suggest this site should be rezoned to LIZ for to leave it in the MUZ as proposed, is a square peg in a round hole and/or an effort to make the MUZ zone fit. Which clearly should not have happened with direct reference to Rule 12.7.6.1.1 (ix).

S21.002

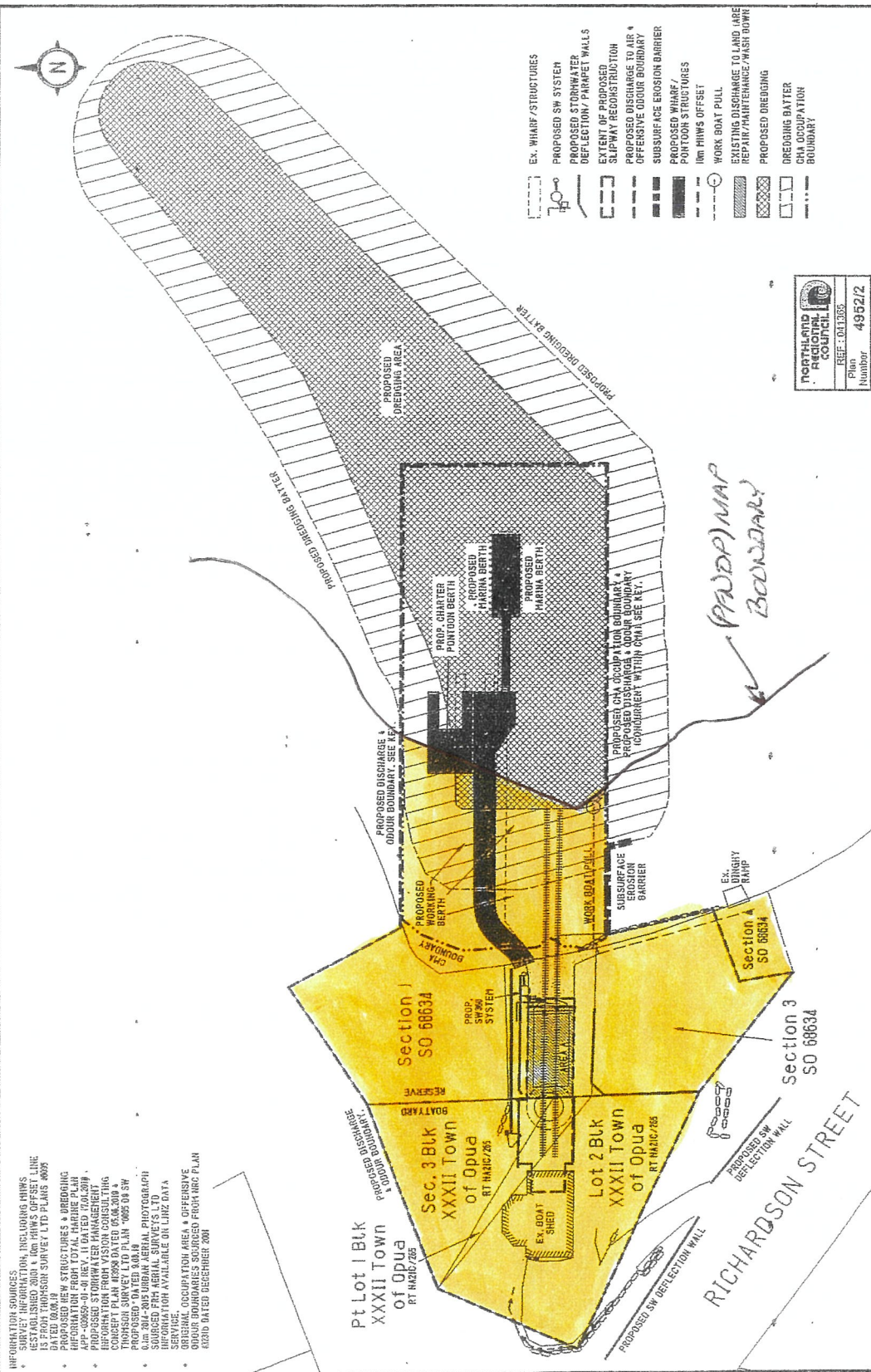
With respect then, and in respect to this submission regarding the proposed change, I attach NRC Plan document for resource consent 041365 4952/2 for an inclusive boundary LIZ designation as marked in orange along with the PFNDP zoning map for 1 Richardson St. Opua also marked in orange; and photographs from 2014/2022 of structures and associated activities in conjunction with the overall site.

In further support of this submission, I also attach the following appendices 1-8 as to the nature of the approved activities; land and CMA occupations; and environmental parameters associated with them that run with these lands of the boatyard, adjoining reserve, and exclusive occupation in the CMA. For none of these issues have escaped the scrutiny of every court in this land and therefore should not be disregarded in the conduct of this new planning doctrine.

Thank you

  
Doug Schmuck  
For: Doug's Opua Boatyard

Date: 22 Sept. 2022



**BOAT YARD SITE PLAN  
COVER SHEET**  
DOUG'S OPUA BOAT YARD  
PROPOSED SLIPWAY 2010

**Northland Regional Council**  
REF: DT1303  
Number: 4952/2

**McBurn & Bryant**  
10 Dowd Rd, Whangarei  
www.mcburnandbryant.co.nz

DATE: 14.11.10  
SCALE: 1:500 @ A3  
JOB: 15241 SITE  
SHEET: 2/3 REV: D

BY	DATE	NOTES
PP	14.11.10	DRAFTING
PP	14.11.10	DRAFTING

GENERAL NOTES

- NO PART OF THIS PLAN MAY BE REPRODUCED, COPIED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.
- DO NOT SCALE OFF DRAWINGS.
- INFORMATION HAS BEEN COMPILED FROM PDP's OWN SURVEYS AND DATA.
- ONLY SEE SOURCE NOTES THIS SHEET.

LEVELS IN TERMS OF LINZ ONE TREE POINT DATUM  
COORDINATES IN TERMS OF MT ECHEN 2000

1:500  
METRES

DATE PLOT/REV: 11/11/2012 @ P11 - FILE P: P110300 - 155MNS21 - Doug Schmueck/Ri-awing@Northland - O.Schmueck - Site Plan - 02.jpg

INFORMATION SOURCES

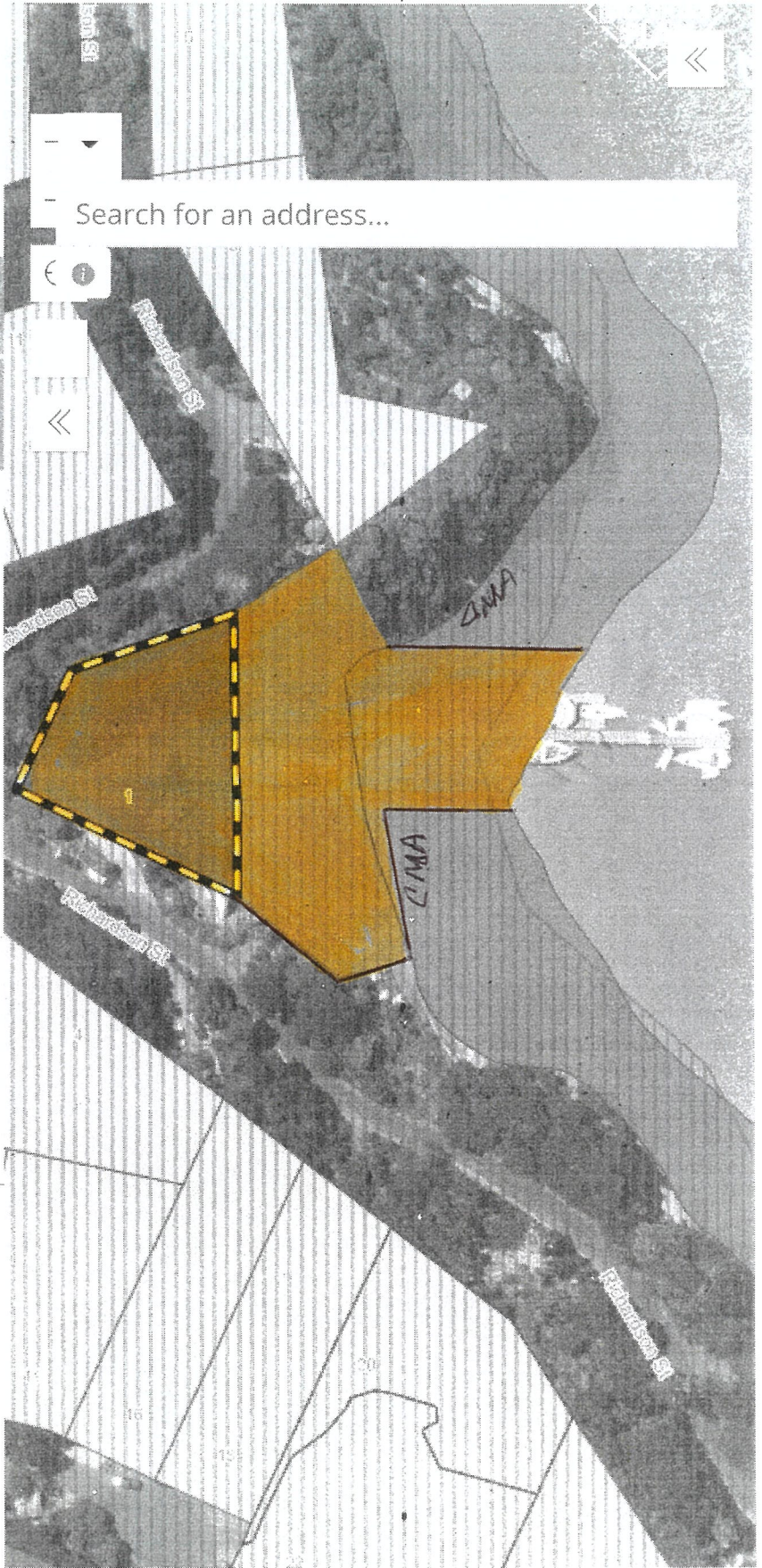
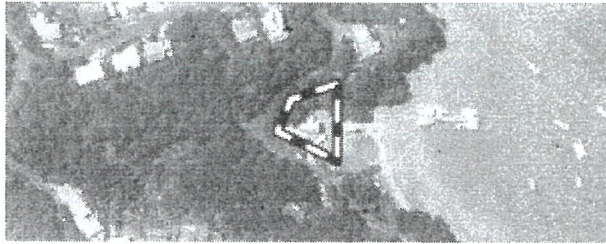
- SURVEY INFORMATION, INCLUDING PLANS IS FROM THOMPSON SURVEY LTD PLANS 4002 DATED 06/04/10
- PROPOSED NEW STRUCTURES & DREDGING AREAS FROM THE PLAN FOR THE PROPOSED STORWATER MANAGEMENT INFORMATION FROM VISION CONSULTING CONSULTANTS DATED 01/06/2010
- PROPOSED DATED 08/10/10
- 0.1m 804-805 LIBRA AERIAL PHOTOGRAPH SOURCED FROM AERIAL SURVEYS LTD FOR AVAILABLE OR LINE DATA SERVICE.
- ORIGINAL OCCUPATION AREA \* OFFENSIVE ODOUR BOUNDARIES SOURCED FROM IRG PLAN 48210 DATED DECEMBER 2001

Handwritten marks: two sets of curved lines resembling 'C' or 'S' on the left margin.

Handwritten note: 'PADDP MAP BOUNDARY' with an arrow pointing to a boundary line on the plan.

# Far North Proposed District Plan

## 1 Richardson Street, Opua 925880



- Property Specific Proposed District Plan Chapters
- View Full Proposed District Plan
- Zoom to selected property
- Clear selected property

**Proposed:** 27 Jul 2022

**Revision:** 26 Jul 2022

The following information applies to this property

### Zone

*CHANGE TO (LIZ)*

~~Mixed Use~~

View section

### Overlays

Coastal Environment

View section

20 m



DOUG'S OPUA BOATYARD  
1 RICHARDSON STREET  
OPUA 0200



"2014"



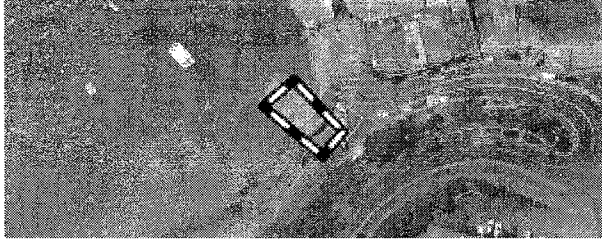


"FEB. 2022"

# Far North Proposed District Plan

APPENDIX 1

1/5 Beechy Street, Opua 0200




- Property Specific Proposed District Plan Chapters
- View Full Proposed District Plan
- Zoom to selected property
- Clear selected property

**Proposed:** 27 Jul 2022


**Revision:** 26 Jul 2022

The following information applies to this property

## Zone

- Rural Production 
- View section

## Overlays

- Coastal Environment 
- View section

## Natural Hazards and Risks Overlays

- Coastal Flood (Zone 3: 100 Year + Rapid Sea Level Rise Scenario)
- View section



Map Tools

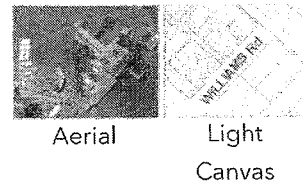
Map Layers ^

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- Zone ^
- Historical and Cultural Values Overlays ^
- Specific Controls ^
- Overlays ^
- Energy Infrastructure and Transport Overlays ^
- Precincts ^
- Natural Environments Overlays ^
- Designations ^
- Natural Hazards and Risks Overlays ^

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## 12.7 LAKES, RIVERS, WETLANDS AND THE COASTLINE

### Wai

Ma te wai, ka ora ai nga mea katoa. Kia tupato te whakahaere mahi o tena, kia u tonu ki te mauri.

### Water

Water has a vital quality that nourishes all living things. Let us ensure its purity to retain that essential life force - the mauri of the water.

### CONTEXT

**Note:** For the purposes of this chapter “lakes” include the Waingaro and Manuwai Reservoirs.

The Far North District has an extensive coastline, eight harbours, estuaries, many rivers and streams, lakes and wetlands. The health of these water bodies is vital to sustaining all kinds of life. Human activity, however, can lead to contamination of the water, reduced water quantity and consequential loss of habitats. For example, Lake Omapere and a number of small west coast dune lakes have been contaminated by nutrients and other material in rural run-off to the extent that they are no longer suitable for their indigenous aquatic ecosystems, contact recreation or water supplies, and have degraded aesthetic values. Also, there are several inner harbours and estuaries which, due to contamination from rivers, do not meet the very high standards for shellfish gathering, cultivation, or human consumption e.g. Kawakawa estuary, some areas of the inner Bay of Islands and inner Whangaroa harbour (refer to s17/4 of the Regional Policy Statement for Northland). Maintaining water quality and quantity is therefore fundamental if sustainable management of natural and physical resources is to be achieved.

The District has a surprising scarcity of high quality water resources, despite its large land area. Most of the rivers and streams are relatively short with small catchments which means that sources of potable water are limited. Conserving water quantity is therefore very important, particularly in catchments near to settlements that have the capacity to be utilised as potable water supplies.

Pollution by rural and urban run-off contaminated from non-point source discharges and stormwater is a major cause of deteriorating water quality. Degradation of water quality can have an adverse impact on visual and amenity values. The Northland Regional Council and Far North District Council jointly share responsibility for ensuring that pollution from this, and all other sources, is minimised. While the Northland Regional Council is responsible for the control of discharges of contaminants to air, land and water, and for the use of land and water for the maintenance and enhancement of water quality, Far North District Council has primary responsibility for the subdivision, use and development of land, and for the control of activities on the surface of water. Thus, Far North District Council can manage the location of buildings, impervious surfaces and effluent disposal in relation to riparian margins as one method of addressing the effects of activities on water quality. The Council can also, through its own Strategic and Annual Plans, set priorities for the public provision of stormwater systems and adopt best management practices when implementing its works programme. Accordingly, the Plan provisions are designed to complement those of the Regional Policy Statement and Regional Water and Soil Plan.

Public access to the margins of rivers, lakes and the coastline is highly sought after. In particular, tangata whenua have an interest in gaining access, via traditional paths, to food-gathering areas. Also, there is considerable demand for residential properties with beach frontage and/or sea views, especially along the eastern coastline. As a result, subdivision offers many opportunities to acquire riparian margins and to secure public access where appropriate. This includes the opportunity to have unformed legal road vested as esplanade reserve. However, it will not always be wise to facilitate public access because of conservation, amenity, landscape, heritage, cultural and spiritual values, or topography or safety reasons. In such cases, public acquisition of the riparian margins may be justified in order to protect and preserve those special values.

Historically, some settlements have developed close to, or over, the coast e.g. Mangonui and Rawene. These are recognised as having a special character and are therefore identified as heritage precincts. Some activities also have a need to be located close to, or over, the boundary of the coastal marine area. Where there is a functional need of this kind, the Plan recognises and provides for the circumstances in which development can occur.

Where development occurs within the coastal marine area (under the jurisdiction of the Northland Regional Coastal Plan) there may be adverse effects that occur on the land i.e. within the District. For example, parking associated with marinas can cause traffic problems and loss of amenity in coastal settlements. Co-operation between the two Councils is essential to ensure that all of the adverse effects of an activity located in the coastal marine area are adequately addressed when resource consents are considered. This is one of several cross-boundary issues which need to be resolved.

# Far North Proposed District Plan

Full Far North Proposed District Plan

Proposed: 27 Jul 2022

Revision: 26 Jul 2022

## PART 1 – INTRODUCTION AND GENERAL PROVISIONS

### / HOW THE PLAN WORKS

#### / Cross boundary matters

## PART 1 – INTRODUCTION AND GENERAL PROVISIONS

## PART 2 – DISTRICT-WIDE MATTERS

## PART 3 – AREA-SPECIFIC MATTERS

## PART 4 – APPENDICES AND SCHEDULES

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### Cross boundary matters

Far North District shares its boundaries with Whangarei District Council to the south and Kaipara District Council to the south west. Far North also shares a boundary with the **Northland Regional Council** with respect to the seaward side of mean high water springs.

Cross boundary issues refer to situations where an activity takes place on or near a territorial boundary and where the effects of a particular activity impacts on the territory of an adjacent authority.

While Council's has jurisdiction only within its territorial boundaries, integrated resource management requires coordination and cooperation between authorities for management issues that extend across boundaries and across jurisdictions.

Cross boundary issues are addressed by:

1. Ensuring consistency and a degree of integration between the Far North District Plan and the plans and policy statements of adjoining territorial authorities, as well as the **Northland Regional Council**. This will ensure that the region's resources are managed compatibly, and provide the basis for an assessment of resource consent applications; and
2. Consulting with adjoining authorities on resource management matters, including Plan reviews, Plan changes and resource consent applications as required under the RMA or as is necessary or appropriate. This will include discussions with Council officers, possible notification of applications for resource consent in adjoining authorities and, where appropriate, joint hearings.

### 12.7.1 ISSUES

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- 12.7.1.1 Land use and subdivision activities adjoining or on lakes, rivers, wetlands or the coastline can reduce their amenity and natural values, including the quality and quantity of water. However, there is significant opportunity to restore, rehabilitate and revegetate these areas through the application of methods set out in this Plan.
- 12.7.1.2 Wetlands can be adversely affected by land drainage, modification of the natural water levels, vegetation clearances, filling, polluted run-off and stock, reducing the effectiveness of their natural functions of buffering water flows and providing habitat.
- 12.7.1.3 Some activities depend on being located right next to the water, such as port facilities, shore-based facilities for marine farming, jetties and boatyards, and there is a need to provide for these activities in a way which minimises adverse effects on the natural character of lakes, rivers and the coastline.
- 12.7.1.4 Recognising and providing for the historic pattern of settlement in some towns whereby buildings are located very close to, or even over, the water.
- 12.7.1.5 Access to lakes, rivers and the coastline is generally inadequate compared to demand from tangata whenua, residents and visitors. An important way this can be addressed at the time of subdivision is for example in a management plan but, at the same time, there are some places which are inappropriate for public access because of conservation, cultural, heritage, and spiritual values, or topography or safety reasons.
- 12.7.1.6 Impervious surfaces increase run-off to natural water bodies which can alter their habitat values and physical form through scour and sediment deposition, adversely affect water quality and reduce water quantity in ground and surface water bodies.
- 12.7.1.7 The degradation of the mauri and wairua of water bodies and adverse effects on kaimoana due to pollution.
- 12.7.1.8 Human activities can create and exacerbate the risk of erosion and other natural hazards in riparian areas.
- 12.7.1.9 Vehicles on beaches can have adverse effects, impacting on dune stability, and dune and coastal flora and fauna. Domestic pets, particularly dogs, can have adverse effects on species dependent on riparian areas and the coastal margin. Stock grazing in riparian margins can have adverse effects on habitat values, natural hazards and on water quality.

### 12.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

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- 12.7.2.1 Use of lakes and rivers which is appropriate in terms of the preservation of the natural character and values of these areas.
- 12.7.2.2 Riparian margins are enhanced.
- 12.7.2.3 Activities on, or adjoining, the surface of water bodies are carried out in a way which avoids, remedies or mitigates adverse effects on the environment.
- 12.7.2.4 Buildings and other impervious surfaces generally set back far enough from riparian margins including from the coastal marine area, so that esplanade reserves, strips or other forms of protection can be achieved in the future if required, except in locations where the types of activity or historic patterns demand otherwise.
- 12.7.2.5 Enhanced public access to and along lakes, rivers and the coastal marine area.
- 12.7.2.6 A reduction in the rate of loss or adverse modification of indigenous wetlands.

### 12.7.3 OBJECTIVES

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- 12.7.3.1 To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.
- 12.7.3.2 To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.
- 12.7.3.3 To secure public access (including access by Maori to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to and along the coastal marine area, lakes and rivers, consistent with **Chapter 14 - Financial Contributions**, to the extent that this is compatible with:

complete a link or to secure public access to key locations is limited by available finance. Therefore the Council will use a variety of means in order to provide public access whenever such opportunities occur during subdivision and development of land near lakes, rivers and the coastline. However, there will be circumstances where public access is not desirable and, in these cases, the Council will consider conservation measures to be a priority (refer to **Objective 12.7.3.3**; **Policies 12.7.4.6** and **12.7.4.8** and **Methods 12.7.5.2, 12.7.5.4, 12.7.5.5** and **12.7.5.8**).

To enable development that is functionally related to the water, the Plan identifies Maritime Exemption Areas in parts of the coast where riparian margins are not required (**Objective 12.7.3.5**; **Policy 12.7.4.5** and **Method 12.7.5.3**). In conjunction with Heritage Precincts (refer to **Section 12.5**), this same approach is used to recognise historic patterns of development.

Activities such as earthworks and land clearance close to water bodies can adversely affect the stability of their margins, water quality and ecosystem viability. Rules in **Section 12.3** together with the provisions of the Regional Water and Soil Plan control excavation and filling. These controls are complemented by rules which limit building and impervious surfaces near riparian margins and by assessment criteria. The restoration and enhancement of riparian areas by stock exclusion and planting can reduce the risk of natural hazards and improve natural character. Proposals to undertake restoration and enhancement initiatives will be taken into account when assessing applications to reduce the required setbacks.

## 12.7.6 RULES

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Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to **Part 2 Environment Provisions**), and with other relevant standards in **Part 3 – District Wide Provisions**.

Particular attention is drawn to:

- (a) **Chapters 7-10** in **Part 2**;
- (b) Other sections within **Chapter 12 Natural and Physical Resources** (and the **District Plan Maps**);
- (c) **Chapter 13 Subdivision**;
- (d) **Chapter 14 Financial Contributions**;
- (e) **Section 15.1 Traffic, Parking and Access**;
- (f) **Chapter 17 Designations and Utility Services** (and the **Zone Maps**).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

### 12.7.6.1 PERMITTED ACTIVITIES

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An activity is a permitted activity if:

- (a) it complies with the standards for permitted activities set out in **Rules 12.7.6.1.1 to 12.7.6.1.6** below; and
- (b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (c) it complies with the other relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

#### 12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA

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 25m<sup>2</sup> 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 Opuā 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 pt Lot 1, Lot 2 & Sec 3 Town Block of Opuā 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.

**Note 1:** Attention is also drawn to the rules applying in the Coastal Hazard 1 Area (*Rule 12.4.6.3.1*) and Coastal Hazard 2 Area (*Rules 12.4.6.1.1* and *12.4.6.2.1*).

**Note 2:** A schedule of Lakes is provided in *Appendix 1C*.

#### 12.7.6.1.2 SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS

Any building and any impermeable surface must be set back from the boundary of lakes (where the lake bed has an area of less than 8ha) smaller continually flowing rivers (where the average width of the river bed is less than 3m) and wetlands except that this rule does not apply to man-made private water bodies.

The setback shall be:

- (a) 3 x the area (ha) of the lake (e.g. if the lake is 5ha in area, the setback shall be 15m); and/or
- (b) 10 x the average width of the river where it passes through or past the site;

provided that in both cases the minimum setback shall be 10m and the maximum setback shall be no more than the minimum required by *Rule 12.7.6.1.1* above;

- (c) 30m for any wetland of 1ha or more in area.

Provided that these setbacks do not apply:

- (i) to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or
- (ii) to activities related to the construction of river crossings; or
- (iii) to pumphouses utilised for the drawing of water from the lake, river or wetland, provided such pumphouse covers less than 25m<sup>2</sup> in area; or
- (iv) to buildings and impermeable surfaces associated with utility service structures, provided that they do not exceed 2m in height or 5m in area; or
- (v) to activities associated with the maintenance, replacement and upgrading of existing linear network utilities; or
- (vi) where there is a legally formed and maintained road between the property and the coastal marine area, lake or river.

These setbacks do not apply to river crossings or activities related to the construction of river crossings, or to access for the maintenance of existing utility service structures, linear network utilities or pump houses permitted by this rule.

**Note 1:** Attention is also drawn to the rules applying in the Coastal Hazard 1 Area (*Rule 12.4.6.3.1*) and Coastal Hazard 2 Area (*Rules 12.4.6.1.1* and *12.4.6.2.1*).

**Note 2:** A schedule of Lakes is provided in *Appendix 1C*.

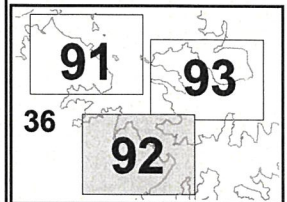
#### 12.7.6.1.3 PRESERVATION OF INDIGENOUS WETLANDS

Any land use activity within an indigenous wetland of 200m<sup>2</sup> or more that does not change the natural range of water levels or the natural ecosystem or flora and fauna it supports is a

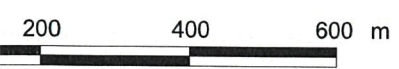
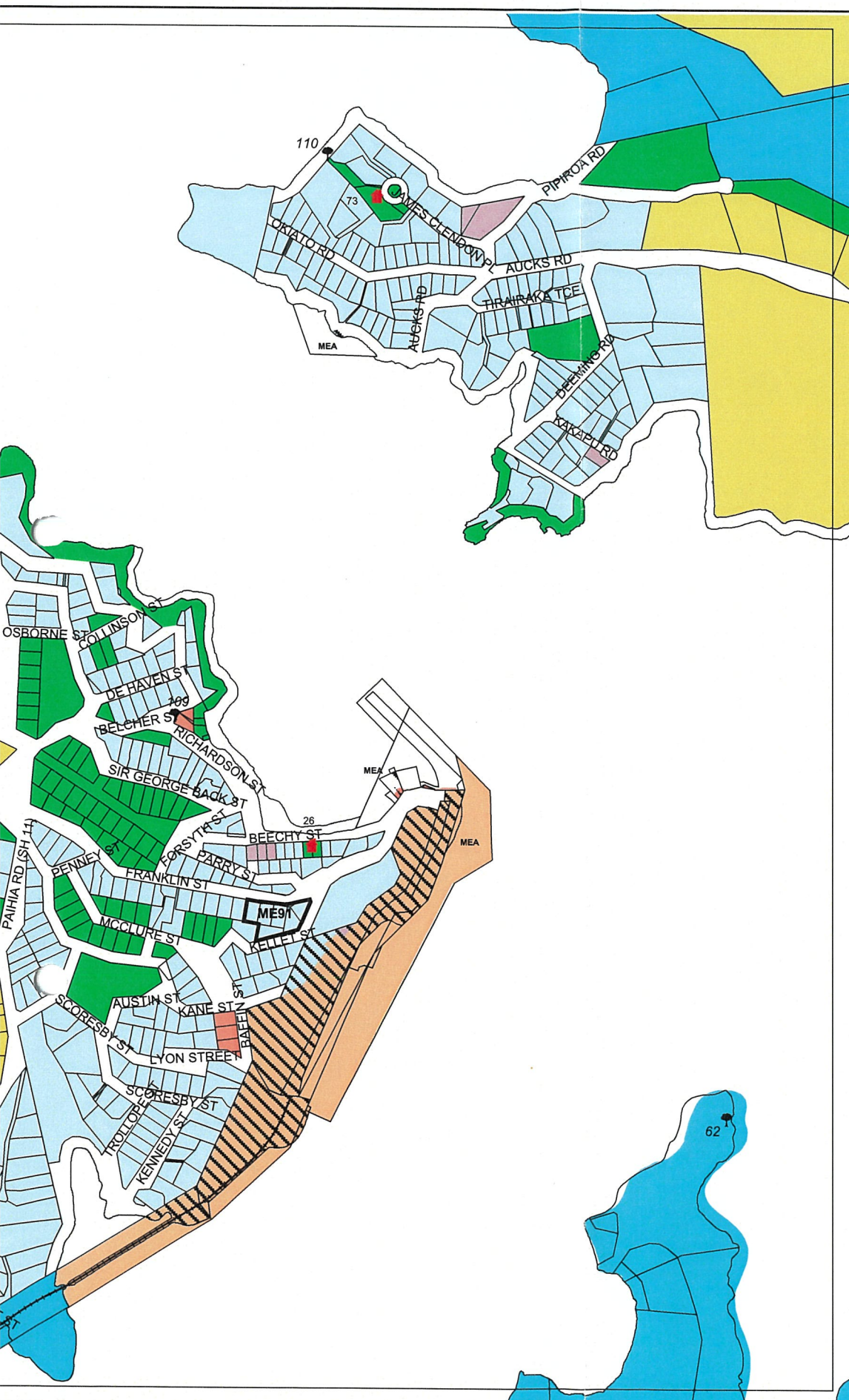
**Zone**

- Conservation
- Coastal Living
- Commercial
- Coastal Residential
- General Coastal
- Industrial
- Lakes and Rivers
- Point Veronica
- Residential
- Recreational Activities
- Rural Production
- Road
- Coastal Marine
- Designations
- Maritime Exemption Area
- Historic Site
- Notable Tree
- New Zealand Railways Corporation Designation

Note :-  
Roads carry the same zoning as the adjoining land. If a boundary between zones follows a road, the zone boundary is located on the centreline of the formed road, or where unformed, the centreline of the legal road



Map Index  
**Map 92**  
**TE HAUMI**  
**OPUA - OKIATO**



Scale 1:10,000

**DISCLAIMER**

Considerable care has been taken to avoid errors and omissions, and the latest information has been included in these District Plan maps. However, even with the greatest care inaccuracies may occur and therefore the Far North District Council cannot accept any responsibility for such errors and omissions.



**LEGEND**

- AREA A
- ○ ○ ○ ○ ○ ○ ○ AREA B

SECTIONS 1 - 4 SO 68634 (ESPLANADE)  
(SUBJECT TO CONSENT CONDITIONS)  
PROPOSED EASEMENT AREAS &  
EXISTING USES CU192/1976)

SECTION 3  
BLK XXXII OPUA

SETTLING POND  
Appendix 5, p13, #11b.

PT SECTION 1  
BLK XXXII OPUA

SEWER CONNECTION  
Appendix 5, p15, #11a.  
Appendix 7, p7, #12.7.6.1.1(ix)  
Appendix 5, p15, #11a.  
Appendix 5, p15, #11a.

SECTION 2  
BLK XXXII OPUA

BOAT YARD OPERATING AREA  
Appendix 5, p15, #11a.  
Appendix 1, p1.

**NOTE: THERE ARE EXISTING CONSENTS AND PROCEEDINGS REFER:**  
 APPENDIX 1 - 1966 COUNCIL AUTHORISATION  
 APPENDIX 2 - 1976 COUNCIL CONSENT CU 192  
 APPENDIX 3 - 1989 MINISTER OF CONSERVATION CONSENT PA2035  
 APPENDIX 4 - 2000 ENVIRONMENT COURT DECISION A26/2000 A135/99  
 APPENDIX 5 - 2002 ENVIRONMENT COURT ORDER CONSENT NLD 99 7914, RC 2000812  
 APPENDIX 6 - 2008 NRC CONSENT CON20060791410  
 APPENDIX 7 - 2009 FNDC OPERATIVE DISTRICT PLAN 12.7.6.1.1(ix) (BUILDING SETBACK)  
 APPENDIX 8 - 2011 FNDC LETTER CONFIRMING PERMISSION  
 APPENDIX 9 - 2013 NRC CONSENT CON20120791416  
 APPENDIX 10 - LEGAL SURVEY PLANS  
 APPENDIX 11 - 2014 FNDC CONSENT DINGHY RACKS

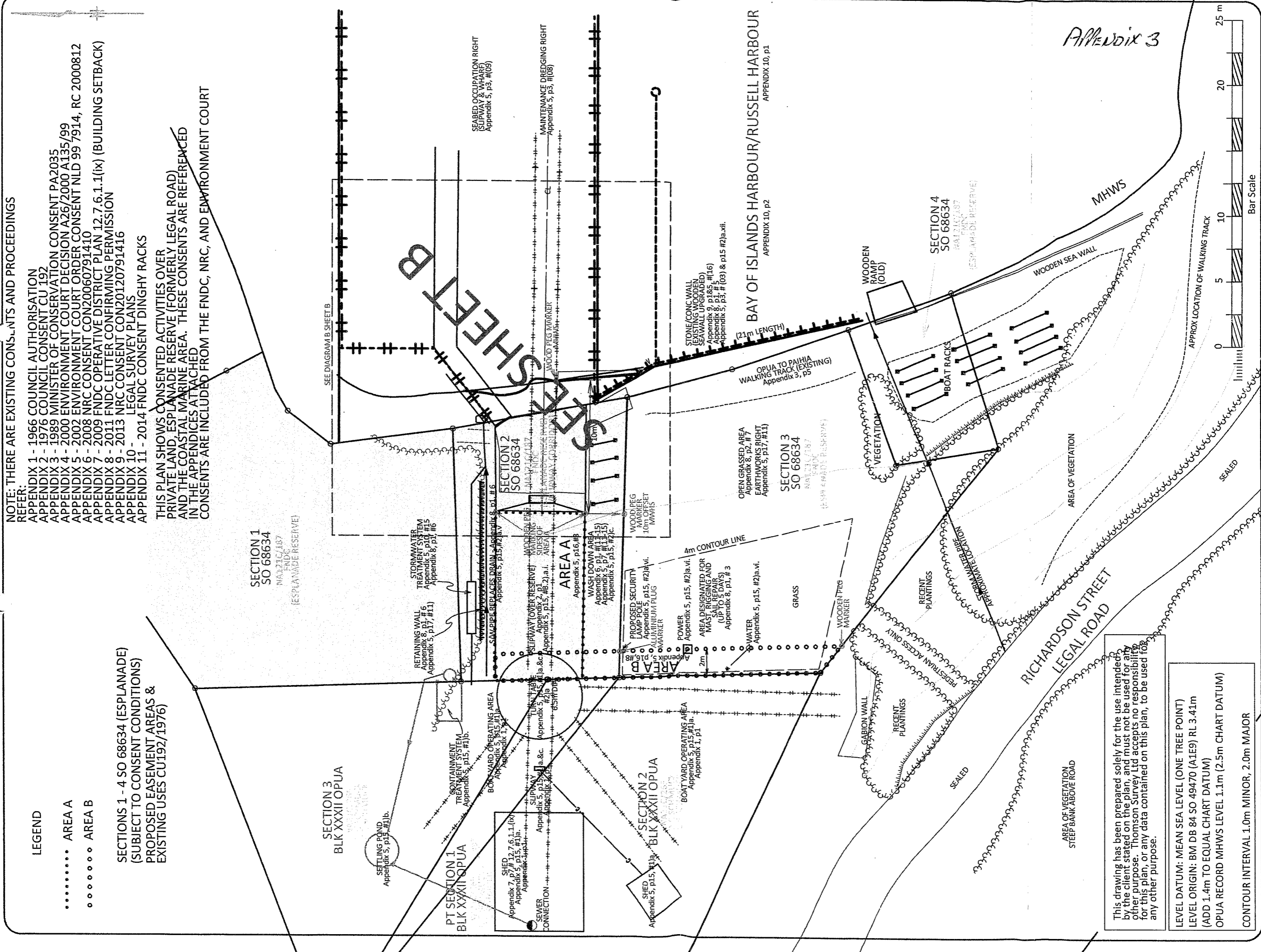
**THIS PLAN SHOWS CONSENTED ACTIVITIES OVER PRIVATE LAND, ESPLANADE RESERVE (FORMERLY LEGAL ROAD) AND THE COASTAL MARINE AREA. THESE CONSENTS ARE REFERENCED IN THE APPENDICES ATTACHED. CONSENTS ARE INCLUDED FROM THE FNDC, NRC, AND ENVIRONMENT COURT**

SECTION 1  
SO 68634  
NAL210187  
FNDC  
(ESPLANADE RESERVE)

SECTION 2  
SO 68634  
NAL210187  
FNDC  
(ESPLANADE RESERVE)

SECTION 3  
SO 68634  
NAL210187  
FNDC  
(ESPLANADE RESERVE)

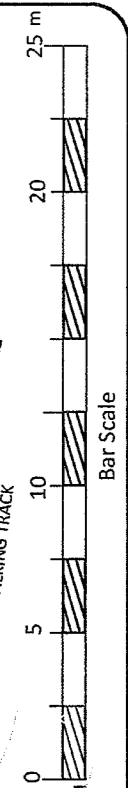
SECTION 4  
SO 68634  
NAL210187  
FNDC  
(ESPLANADE RESERVE)



APPENDIX 3

This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.

LEVEL DATUM: MEAN SEA LEVEL (ONE TREE POINT)  
 LEVEL ORIGIN: BM DB 84 SO 49470 (A1E9) RL 3.41m  
 (ADD 1.4m TO EQUAL CHART DATUM)  
 OPUA RECORD MHWS LEVEL 1.1m (2.5m CHART DATUM)  
 CONTOUR INTERVAL 1.0m MINOR, 2.0m MAJOR



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 P.O. Box 372 Kerikeri  
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 Ph: (09) 4077360 Fax: (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

**DOUGS OPUA BOAT YARD  
 CONSENTED ACTIVITIES  
 AS OF JULY 2013  
 SHEET A**

Survey	Name	Date	ORIGINAL SCALE	SHEET SIZE
Design	SH	18-12-10	1:250	A3
Drawn	SH	28-02-11		
Approved	SL	23-05-14		
Rev	SL	23-05-14		

Surveyors Ref. No: 8095  
 Series: 8095 APPENDIX PLAN.Icd  
 Sheet A



# FNDC CONSENT CONDITIONS - ENVIRONMENT COURT CONSENT ORDER - 2002

## FOR COPY OF ORIGINAL CONSENT - REFER APPENDIX 5

A. That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council grants its consent to application number RC 2000812 by DC Schmuck for the following activities and structures on land known as Doug's Opuā Boatyard (See 2 SO 24139, PtSec 1 SO 16553, Sec 3 SO 46155 Blk XXXII Town of Opuā):

1) a (i)	A commercial marine slipway including a turntable and all of its integral parts, fixtures, supporting members, attachments and utilities
a (ii)	A boatyard and a paint cleaning station.
a (iii)	A boat building shed
a (iv)	An office
b (i)	A Stormwater Containment System (CSW) including all tanks, pipes, cables, traps, filters, and utilities.
b (ii)	A Discharge Containment System (CTS) including all tanks, pipes, cables, traps, filters and utilities.
c	To reconstruct and concrete the slipway and boatyard including the replacement of existing tramway rails.

B. That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council grants its consent in part to application number RC 2000812 by DC Schmuck for the following activities and structures on the Esplanade Reserve (Sec 1, Sec 2, Sec 3 & Sec 4 as shown on SO 68634):

2) a (i)	A commercial marine slipway including a turntable and all of its integral parts, fixtures, supporting members, attachments and utilities, and non-permeable surfaces
a (iv)	A concrete wash down area with an associated discharge containment system as shown on the attached plan and to be located 10 metres above m.h.w.s.
a (v)	A Stormwater and conduit drain
a (vi)	Security light pole and associated utilities for power and water.
a (vii)	Safety signage
b (x)	Wharf abutment
a (xii)	Existing wooden and stone retaining walls, where these do no otherwise lie in the Coastal Marine Area.

b To reconstruct the slipway between the boatyard property and m.h.w.s. and to concrete that part the slipway situated above a line 10 metres from m. h.w.s.

c To carry out the activity of washing down of boats prior to the boats being moved to the boatyard for repairs or maintenance or being returned to the water, provided however that repairs and maintenance may be carried out on the reserve only in accordance with condition 8.

Subject to the following conditions:

- 1) That, except as otherwise required to be changed by the conditions that follow, the application shall proceed generally in accordance with that shown on Northland Regional Council plan No 3231a.
- 2) That all necessary plumbing, drainage and building consents shall be obtained prior to the commencement of site works.
- 3) That the Discharge Containment System and the Stormwater Containment System shall be located as far as is practicable within the Consent Holder's site with these arrangements being to the satisfaction of the District Council's Resource Consent Manager.
- 4) Except as provided in condition 8 that no materials, tools or other items shall be placed or left on the Esplanade Reserve except as may be necessary for the passage of boats on the slipway and only whilst those activities are being carried out.
- 5) The Consent Holder shall provide to the Resource Consents Manager of the Council a parking plan showing 4 onsite car parking spaces which shall be in accordance with the standards specified in the District Plan. The carparking spaces shall be formed and marked in accordance with the plan, as approved by the Resource Consents Manager, no later than 3 months after the date of this consent.
- 6) All safety signs and security lighting shall be installed prior to the consent being given effect to. This shall be arranged to the satisfaction of the District Council Resource Consents Manager and shall include conferring with the Kawakawa Community Board to ensure the signs and lightings are appropriately located in the best interests of the public.
- 7) That appropriate signage shall be located at the entrance to the property indicating parking for the use of the boatyard facilities. Such signage shall be located in consultation with the District Council's Road Asset Manager and be to the satisfaction of the District Council's Resource Consent Manager.
- 8) Except as provided herein any repair or maintenance work on vessels shall be undertaken within the Consent Holder's site. Vessels may be washed down within that area of the Esplanade Reserve marked "A" on the attached plan. Any vessel which by virtue of its length or configuration is unable to be moved so that it is entirely within the Consent Holder's site may be repaired or maintained on that part of the Esplanade Reserve marked "A" on the attached plan. That part of the Esplanade Reserve marked "B" on the attached plan may be used for the purposes of permitting the repair or maintenance of any vessel standing on the southern branch of the slipway marked "C" on the attached plan. Notwithstanding condition 12, the Council may review condition 8 one year after the date of this consent if requisite approvals under the Reserves Act 1977 have not been received for use of Area "A" and Area "B".
- 9) Except as provided in this consent no vessel shall be left on the slipway within the Esplanade Reserve. All relevant safety requirements shall be adhered to at all times. The only permitted closure of the Esplanade Reserve is for safety reasons during vessel haulage. No more of the Esplanade Reserve shall be closed than is absolutely necessary.
- 10) The hours of operation for all outdoor activities associated with the boatyard, with the exception of haulage, shall be limited to 0700 - 2000 hours Monday to Friday and 0800 - 2000 hours Saturday, Sunday and Public Holidays.
  - 1.1) All earthworks material, which is surplus to the development requirements, shall be secured so that siltation and erosion does not occur, or removed from the site.
  - 1.2) The District Council reserves the right, pursuant to Section 128 of the Act, to review the conditions herein should it decide there is evidence that the activity creates an adverse effect not currently mitigated through conditions of consent. Such a review shall occur one year after the issue of this decision and every two years thereafter.
  - 1.3) During periods when that part of the slipway through the Esplanade Reserve area is being used for the washing down of boats, the Consent Holder shall erect screens or implement similar measures to effectively contain all contaminants within the washdown perimeter. Screening shall be arranged at the Consent Holder's expense and be to the satisfaction of the District Council's Resource Consent Manager.
  - 1.4) All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any site in the zone or the residential zone, or at or within the notional boundary of any dwelling within a rural or coastal zone.
 

Time period Noise Limit  
0700 hrs to 2200 hrs 50 dBA L10  
2200 hrs to 0700 hrs the following day 45 dBA L10 and  
65 dBA Lmax

Note: The notional boundary is defined in NZS 6802:1991 Assessment of Environmental Sound as a line 20m from any part of any dwelling) or the legal boundary where this is closer to the dwelling.

### NOISE MEASUREMENT AND ASSESSMENT

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

- 15) The Consent Holder shall submit a Management Plan to the Far North District Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:
  - a) The operation and maintenance of the boat washdown area
  - b) Contingency measures for unforeseen or emergency situations. The operation and maintenance of the above systems, and the boatyard operations shall be carried out in accordance with the approved Management Plan.
  - c) The need to minimise effects on the public use of the walking track and the Esplanade Reserve.

C) That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council refuses its consent in part to application number RC 2000812 by DC Schmuck for the following activities and structures on the Esplanade Reserve (See 1, Sec 2, See 3 & See 4 as shown on SO 68634):

2) a (ii)	A Stormwater Containment System (CSW) including all tanks, pipes, cables, traps, filters, and utilities.
a (iii)	A Discharge Containment System (CTS) including all tanks, pipes, cables, traps, filters and utilities.
a (iv)	Use of the concrete slipway for boat repair and maintenance.
a (viii)	Existing dinghy racks
(new) xiii	Existing south dinghy ramp.

The District Council will prepare a management plan for the Esplanade Reserve.

APPENDIX 5



# View Instrument Details

Instrument No. 10100695.1  
 Status Registered  
 Date & Time Lodged 27 Jul 2015 15:00  
 Lodged By Overton, Jennette Ellen  
 Instrument Type Easement Instrument



Affected Computer Registers	Land District
NA121C/187	North Auckland
NA21C/265	North Auckland

APPENDIX 6

Annexure Schedule: Contains 5 Pages.

### Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Thomas Biss as Grantor Representative on 14/08/2015 10:43 AM

### Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Thomas Biss as Grantee Representative on 14/08/2015 10:43 AM

\*\*\* End of Report \*\*\*

**Easement instrument to grant easement or *profit à prendre*, or create land covenant**  
(Sections 90A and 90F Land Transfer Act 1952)

2009/6229EF  
APPROVED  
Registrar-General of Land

**Grantor**

Far North District Council

**Grantee**

Douglas Craig SCHMUCK and Carl Emanuel SCHMUCK

**Grant of Easement or *Profit à prendre* or Creation of Covenant**

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement, <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to access, construct, operate, and maintain a commercial marine slipway, turntable and associated facilities	DP 487568, marked X, Y, Z	CFR NA121C/187	CFR NA21C/265
Right of access to and repair and maintenance of vessel on slipway and/or turntable	DP 487568, marked W, X	CFR NA121C/187	CFR NA21C/265
Right of access to and reconstruction of a commercial marine slipway	DP 487658, marked T, U, W, X, Y, Z	CFR NA121C/187	CFR NA21C/265
Right to maintain existing wooden and stone retaining walls	DP 487568, marked T, U, V, Z	CFR NA12C/187	CFR NA21C/265
Right to discharge contaminants and to emit noise	DP 487568, marked T, U, V, W, X, Y, Z	CFR NA121C/187	CFR NA21C/265

**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required

~~Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007~~

The implied rights and powers are hereby ~~[varied] [negated] [added to] or [substituted]~~ by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule B ]~~

**Covenant provisions**

Delete phrases in [ ] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule B ]~~

**ANNEXURE B**

A. An easement over Sec 2 SO 68634 as shown marked X, Y and Z on DP 487568, to permit the following:

1. Construction and maintenance of a commercial marine slipway including a turntable and all of its integral parts, fixtures, supporting members, attachments, utilities and non-permeable surfaces.
2. The movement of boats along the slipway between the dominant tenement and the water.
3. The construction and maintenance of a concrete wash-down area with associated discharge containment systems to be located above a line 10 m above MHWS.
4. The washing down of boats prior to the boats being moved to the dominant tenement for repairs or maintenance or being returned to the water.
5. The erection of screens or the implementation of similar measures to contain all contaminants within the wash-down perimeter.
6. The repair or maintenance of any vessel which by virtue of its length or configuration is unable to be moved so that it is entirely within the adjacent boatyard property.
7. A stormwater and conduit drain.
8. A security light pole.
9. Associated utilities for power and water.
10. Safety signage.
11. A wharf abutment.
12. A concrete dinghy ramp (where this does not otherwise lie within the coastal marine area).

Subject to the following conditions:

1. That all activities shall be carried out in accordance with any relevant resource consent.
2. That in respect of the repair and maintenance of boats, the following shall apply:
  - (a) when boats which by virtue of their length or configuration cannot be moved so that they are entirely within the dominant tenement, are placed on cradles located entirely within the dominant tenement but protrude into the airspace above Section 2 SO 68634 and/or Section 3 SO 68634, such boats may be repaired or maintained at any time of the year;
  - (b) as a small portion of the turntable encroaches onto Section 2 SO 68634, boat cradles that are located on any part of the turntable but that do not otherwise encroach onto Section 2 SO 68634 may utilise the turntable at any and all times of the year, and boats placed on such cradles may be repaired or maintained at any time of the year;

- (c) when boats which by virtue of their length or configuration cannot be moved so that they are entirely within the dominant tenement, are unable to be placed on cradles located entirely within the dominant tenement in accordance with clause (a) above, and are not located on the dominant tenement in accordance with clause (b) above, such boats may be placed on cradles located within that part of Section 2 SO 68634 marked X and Y on DP 487568, and such boats may be repaired or maintained for an aggregated period of no more than 60 days in any 365 day period commencing on or after the date the easement is registered;
- (d) no boat cradles or part thereof may be positioned on any part of Section 2 SO 68634 marked Z on DP 487568 other than for the purpose of haulage of a boat;
- (e) to enable the Far North District Council to monitor compliance with the 60 day annual usage limit contained in clause (c) above, the boatyard's operator shall continue to keep operational diaries recording the use of the areas marked X and Y on DP 487568 for the repair and maintenance of boats, and such diaries shall be made available to the Council's monitoring officers on request.

- B. An easement over Sections 1, 2 & 3 SO 68634 as shown marked T, U, W, X, Y and Z on DP 487568, to permit the following:

Access to and reconstruction of the slipway between the dominant tenement and MHWS and the concreting of that part of the slipway situated above a line 10 metres from MHWS.

Subject to the following conditions:

1. That any earthworks material which is surplus to slipway reconstruction requirements shall be secured within Sections 2 & 3 SO 68634 and secured so that siltation and erosion does not occur, or be removed from the site.
2. That all activities shall be carried out in accordance with any relevant resource consent.

- C. An easement 2 m wide over Sections 2 and 3 SO 68634 as shown marked W and X on DP 487568, to permit the following:

Access to, and repair and maintenance of, any vessel standing on the southern slipway tramrail and/or the turntable.

Subject to the following conditions:

1. That all activities shall be carried out in accordance with any relevant resource consent.
2. That this easement shall expire after 10 years from the date of registration, subject to a right of renewal every 10 years, provided that in the event of the boatyard property being redeveloped and alternative access not being provided as part of the redevelopment, any request for renewal will be viewed less favourably.



D. An easement over Sections 1, 2, 3 & 4 SO 68634 as shown marked, G, I, J and K on DP 487568, to permit the following:

1. Existing wooden and stone retaining walls (where these do not otherwise lie within the coastal marine area).

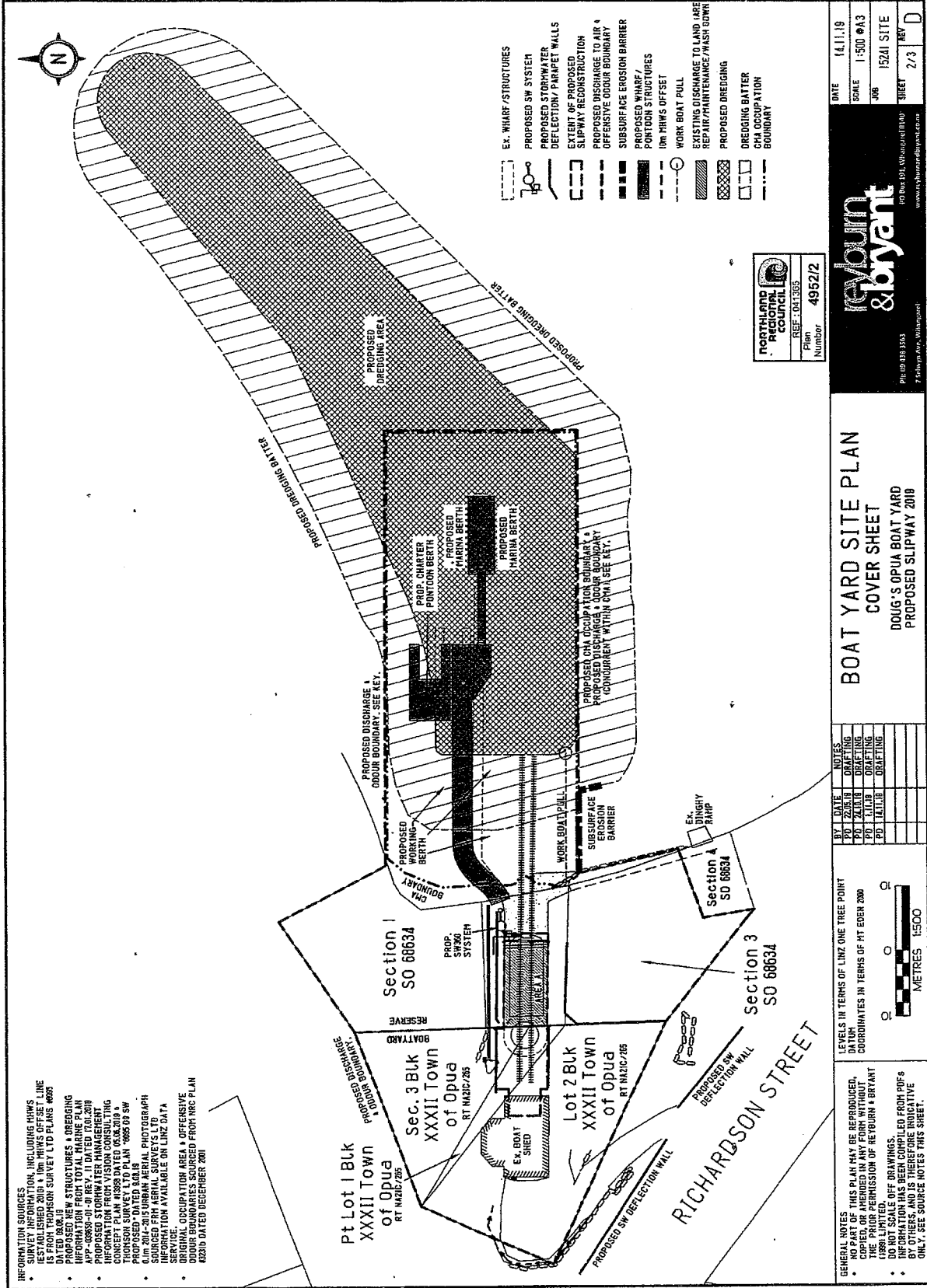
E. An easement over Sections 1, 2, 3 & 4 SO 68634 as shown marked T, U, V, W, X, Y and Z on DP 487568, to permit the following:

1. The discharge of contaminants to air, soil, and water in accordance with any relevant resource consent;
2. The emission of noise in accordance with any relevant resource consent.

AND the following conditions shall apply in respect to the above easements:

1. The grantee shall keep current a public liability insurance policy for a minimum of \$1,000,000 (one million dollars).
2. If required by Council the grantee shall make an inducement payment to Council and/or pay an annual rental as may be agreed upon between the parties
3. The grantee shall surrender the easements to the Council at the Council's request if and when the boatyard ceases to operate, and shall reinstate the area to the satisfaction of the Council.





**INFORMATION SOURCES**

- SURVEY INFORMATION, INCLUDING MHWS ESTABLISHED 2009 & 10m MHWS OFFSET LINE DATED 04/03/10
- NORTH ISLAND REGIONAL COUNCIL SURVEY LTD PLANS 6065
- PROPOSED NEW STRUCTURES & DREDGING INFORMATION FROM TOTAL MARINE PLAN 2010
- PROPOSED STORMWATER MANAGEMENT INFORMATION FROM VISION CONSULTING CONCEPT PLAN #3592 DATED 06/04/09
- PROPOSED SURVEY DATA FROM PLAN #685/09 SW 0.1m 2012-2015 URBAN AERIAL PHOTOGRAPH SOURCED FROM AERIAL SURVEYS LTD
- INFORMATION AVAILABLE ON LINZ DATA ORIGINAL OCCUPATION AREA & OFFENSIVE ODOR BOUNDARIES SOURCED FROM NRC PLAN #8210 DATED DECEMBER 2001

**northland regional council**  
 Plan Number 4952/2  
 REF: 041305

**reburn & bryant**  
 179 New Rd, Whangarei  
 Ph: 09 338 3650  
 www.reburnandbryant.com

**BOAT YARD SITE PLAN  
 COVER SHEET  
 DOUG'S OPUA BOAT YARD  
 PROPOSED SLIPWAY 2018**

DATE	14.11.19
SCALE	1:500 @A3
JOB	15241 SITE
SHEET	2/3
REV	D

BY	DATE	NOTES
PD	22.05.19	DRAFTING
PD	24.05.19	DRAFTING
PD	11.11.19	DRAFTING
PD	14.11.19	DRAFTING

LEVELS IN TERMS OF LINZ ONE TREE POINT DATUM  
 COORDINATES IN TERMS OF MT EDEN 2000

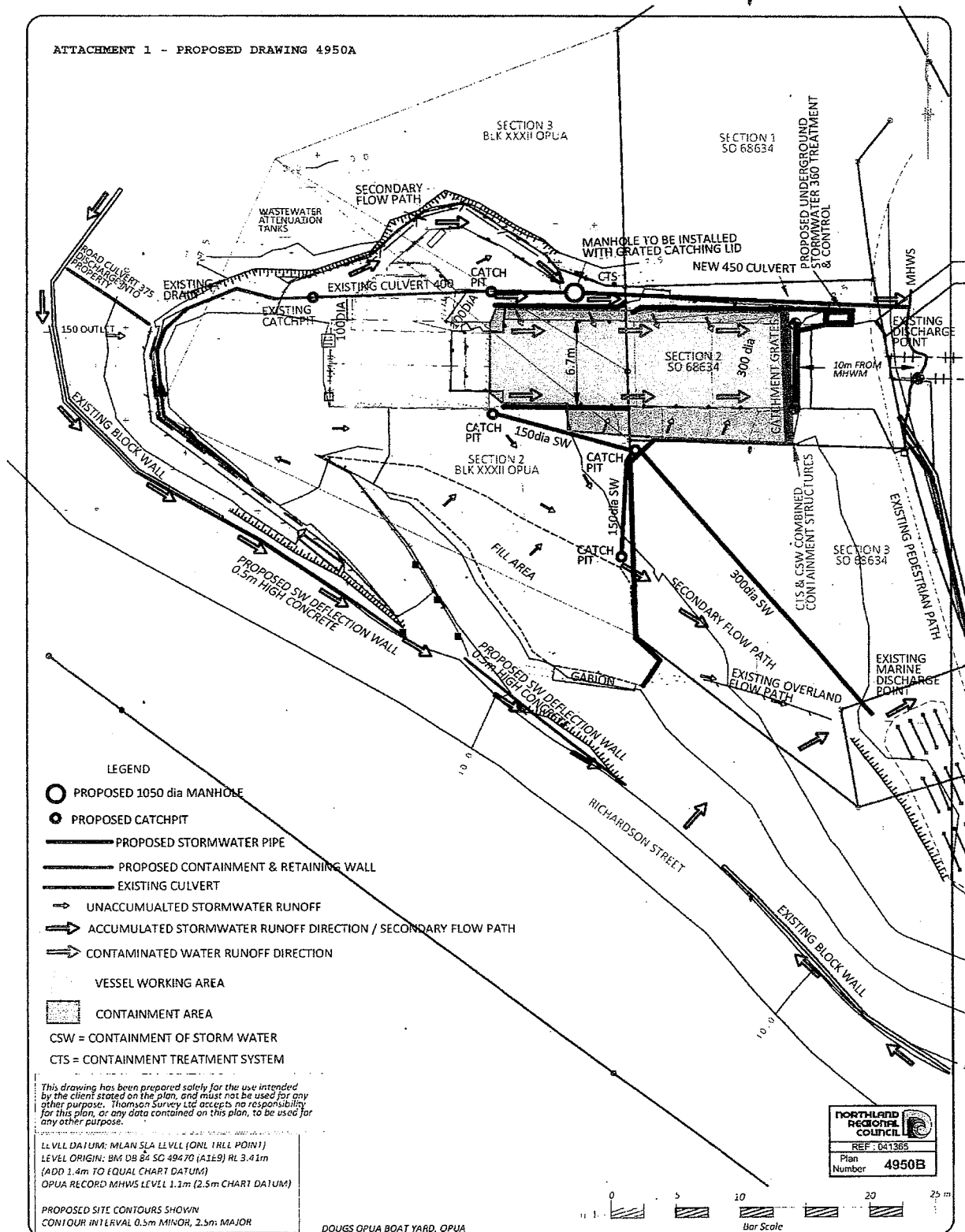
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Date Plotted: 11/11/2019 2:40 PM. File Path: P:\18200 - 1580818241 - Doug Schmueck Drawings\18241 - 0.Schmueck - Site Plan - 0.dwg





ATTACHMENT 1 - PROPOSED DRAWING 4950A



- LEGEND**
- PROPOSED 1050 dia MANHOLE
  - PROPOSED CATCHPIT
  - PROPOSED STORMWATER PIPE
  - PROPOSED CONTAINMENT & RETAINING WALL
  - EXISTING CULVERT
  - UNACCUMULATED STORMWATER RUNOFF
  - ACCUMULATED STORMWATER RUNOFF DIRECTION / SECONDARY FLOW PATH
  - CONTAMINATED WATER RUNOFF DIRECTION
  - ▭ VESSEL WORKING AREA
  - ▭ CONTAINMENT AREA
  - CSW = CONTAINMENT OF STORM WATER
  - CTS = CONTAINMENT TREATMENT SYSTEM

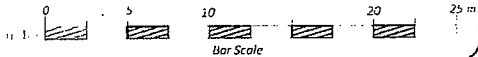
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LL VLL DATUM: MLAN SLA LLVLL (GNL HLL POINT)  
 LEVEL ORIGIN: BM DB 82 SC 49470 (A1E9) RL 3.41m  
 (ADD 1.4m TO EQUAL CHART DATUM)  
 OPUA RECORD MHWS LEVEL 1.2m (2.5m CHART DATUM)

PROPOSED SITE CONTOURS SHOWN  
 CONTOUR INTERVAL 0.5m MINOR, 2.5m MAJOR

DOUGS OPUA BOAT YARD, OPUA

**NORTHLAND REGIONAL COUNCIL**  
 REF: 041385  
 Plan Number **4950B**



**THOMSON SURVEY**  
 315 Kerikeri Rd  
 P.O. Box 372 Kerikeri  
 Email: kerikeri@tsurvey.co.nz  
 Ph: (09) 4077360 Fax (09) 4077372  
 Registered Land Surveyors, Planners & Land Development Consultants

**DOUGS OPUA BOAT YARD  
 PROPOSED CONTAINMENT &  
 STORMWATER  
 MANAGEMENT**

Survey	SM	Date	2017	ORIGINAL
Design	SL	17.12.18	SCALE	SHEET SIZE
Approved	SL	13.07.2020	1:250	A3
Rev	SL	13.07.2020		

Surveyors  
 Ref: No:  
**8095**

8095/ENGINEERING/D9/SW PLAN 26.05.2020.kd



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1 April 2011

*To Kōwhiri o Te Takerua Ki Te Ahi*

Mr Douglas C Schmuck  
Doug's Opua Boatyard  
1 Richardson Street  
OPUA 0200

Dear Doug

### LOCAL PURPOSE (ESPLANADE) RESERVE AT OPUA

I refer to recent discussions involving you, Cr Tom Baker, and Council staff, relating to the local purpose (esplanade) reserve that is located between your boatyard property and the sea, being the reserve legally described as Sections 1-4 SO 68634.

On behalf of the Far North District Council acting as the administering body for the reserve, pursuant to section 40 of the Reserves Act, I wish to confirm that you have permission to do the following on the reserve:

1. To install a concrete pad and footpath (using exposed aggregate grey concrete) in the eastern area of section 2 in the locations shown on Thomson Survey plan 8095 dated 28/2/11.
2. To construct a concrete dinghy ramp on the eastern boundary of, and located partly within, section 2 as shown on plan 8095. (NRC consent may also be needed insofar as the ramp extends below MHWS.)
3. To store rigging on the reserve for up to 5 days at a time and no more than 5 times in any one year, on the western portion of section 3 between the western boundary and the 4-metre contour line as shown on plan 8095.
4. To install 4 horizontal dinghy racks as slipway facilities located within section 2, well clear of the walking track and grassed areas, as shown on plan 8095.
5. To repair/upgrade (in stone) the sea-wall at the south-eastern corner of section 2 as shown on plan 8095. (NRC consent may also be needed insofar as the sea-wall is located partly below MHWS.)
6. To replace the main stormwater drain that lies along the northern side of the slipway on section 2 with a conduit and retaining wall

The above permissions shall be subject to and in conformity with any relevant resource consents and District Plan rules and/or any Northland Regional Council consents issued pursuant to the Resource Management Act.

Other matters agreed are as follows:

7. That the entire area of section 3 is to remain an open grassed area available for public use, except for any portions of section 3 that may be subject to approved easements and resource consents, and except for the storage of rigging in accordance with item (3) above.
8. That the Council is responsible to arrange for the mowing of the grassed areas of the reserve in the most practical manner in consultation with the boatyard proprietor.

In conclusion, I note that it is our intention in due course, if and when your proposed easements have been approved and registered, that a plan will be produced which will show the items listed in this letter as well as the easements; i.e. the activities approved under sections 40 and 48 of the Reserves Act respectively.

Yours sincerely



David Edmunds  
Chief Executive



