

Applicant Information Form 1a Notified or Non-notified Process



Department of
Conservation
Te Papa Atawhai

New Zealand Government

Is this the right application form for me?

This **Applicant Information Form 1a** – Notified or Non-notified Process must be completed for **the following longer term applications** (i.e. not one-off applications):

- Grazing
- Land use: Tenanted and/or using existing DOC facility/structure
- Land use: Use of public conservation land for private commercial facility/structure
- Guiding/Tourism/Recreation: Watercraft activities
- Filming
- Sports events
- Marine reserves application form 11a: Structure in a marine reserve

For other activities use the specific activity application forms that combine applicant and activity information or book a pre-application meeting.

How do I complete this applicant information form?

- Complete all sections of this **applicant information form**.
- In addition, you must complete the **activity application form/s** that you wish to undertake.
- DOC encourages electronic applications (e.g. typed Word document), rather than handwritten applications. Electronic applications are easier to read and less likely to be returned to you for clarification.
- If you need extra space, attach or include extra documents and label them according to the relevant section. Record all attachments in the table at the back of the application information form section **F Attachments**.

How do I submit my application?

Email the following to permissions@doc.govt.nz:

- **Completed applicant information form 1a**
- **Completed activity application form**
- Any other relevant attachments.

If I need help, where do I get more information?

- Check the [DOC webpage for the activity you are applying](#)¹ for.

¹ <https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/>

- Arrange a pre-application meeting (either face to face or over the phone) by contacting the [Department of Conservation Office](#)² closest to where the activity is proposed. You can use [DOC maps](#)³ to identify which District Office you should contact. Or arrange a meeting with any of our [four offices that process concessions](#)⁴ – choose the one closest to where the activity is proposed.
- If your application covers multiple districts, contact the office nearest most of the locations you are applying for, or nearest to locations you have a specific question about.

What happens next?

Once your application forms are received, your application will be assessed by DOC. If your application is complete, DOC will begin processing.

If your application is incomplete it will be returned to you for more information.

Why does DOC ask for this information?

The questions in this application information form and the activity application form/s are designed to cover the requirements set out in conservation legislation. Your answers allow us to assess:

- Your most up-to-date details so that DOC can contact you about your application.
- Your qualifications, resources, skills and experience to adequately conduct the activity on public conservation land.
- Your creditworthiness will help determine whether DOC should extend credit to you and set up a DOC customer accounts receivable credit account for cost recovery. To make this assessment DOC will supply your information to a credit checking agency.

Note:

- Personal information will be managed by DOC confidentially. For further information check [DOC's privacy and security statements](#)⁵.
- Information collected by DOC will be supplied to a debt collection agency in the event of non-payment of payable fees.

What fees will I pay?

You may be required to pay a **processing fee** for this application regardless of whether your application is granted or not. You may request an estimate of the processing fees for your application. If you request an estimate, DOC may require you to pay the reasonable costs of the estimate prior to it being prepared. DOC will not process your application until the estimate has been provided to you. In addition, if you are granted a guiding concession on public conservation land you may be required to pay annual **activity and management fees**. These fees are listed on the [DOC webpage for the activity you are applying](#)⁶ for.

DOC will invoice your processing fees after your application has been considered. If your application is large or complex, DOC may undertake billing at intervals periodically during processing until a decision is made. If you withdraw your application DOC will invoice you for the costs incurred up to the point of your withdrawal.

² www.doc.govt.nz/footer-links/contact-us/office-by-name/

³ <http://maps.doc.govt.nz/mapviewer/index.html?viewer=docmaps>

⁴ <https://www.doc.govt.nz/get-involved/apply-for-permits/contacts>

⁵ <https://www.doc.govt.nz/footer-links/privacy-and-security/>

⁶ <https://www.doc.govt.nz/get-involved/apply-for-permits/apply-for-a-permit/>

Your application will set up a credit account with DOC. See the checklist at the end of the form for the terms and conditions you need to accept for a DOC credit account.

Will my application be publicly notified?

Your application will be publicly notified if:

- It is a license with a term of more than 10 years.
- It is a lease.
- After having regard to the effects of the activity, DOC considers it appropriate to do so.

Public notification will increase the time and cost of processing of your application.

What does DOC require if my application is approved?

If your application is approved DOC requires:

- **Insurance** to indemnify the Minister of Conservation against any claims or liabilities arising from your actions. The level of insurance cover will depend on the activity.
- A copy of your **safety plan** audited by an external expert (e.g. Health and Safety in Employment (Adventure Activity) Regulations 2011 audit or a DOC listed organisation). See the [Safety Plan](#)⁷ information on the DOC website for further information.

Note: DOC/Minister can vary the concession if the information on which the concession was granted contained material inaccuracies. DOC may also recover any costs incurred.

⁷ <https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/safety-plans/>

A. Applicant details

Legal status of applicant (tick)	<input type="checkbox"/> Individual (Go to 1)	
	<input type="checkbox"/> Registered company (Go to 2)	<input type="checkbox"/> Trust (Go to 2)
	<input checked="" type="checkbox"/> Incorporated society (Go to 2)	<input type="checkbox"/> Other e.g. Educational institutes (Go to 2)

1	Applicant name (individual)	-		
	Phone		Mobile phone	
	Email			
	Physical address		Postcode	
	Postal address (if different from above)		Postcode	

2	Applicant name (full name of registered company, trust, incorporated society or other)	Mercury Bay Boating Club Inc.		
	Trading name (if different from applicant name)	-		
	NZBN if applicable (to apply go to: https://www.nzbn.govt.nz)	9429042763802	Company, trust or incorporated society registration number	314758
	Registered office of company or incorporated society (if applicable)	93 Buffalo Beach Road, Whitianga, 3510		
	Company phone		Company website	sporty.co.nz/mercurybayboating
	Contact person and role	Sec 9(2)(a)	- Commodore	
	Phone	-	Mobile phone	Sec 9(2)(a)
	Email	Sec 9(2)(a)		
	Postal address	PO Box 81, Whitianga	Postcode	3510
	Street address (if different from postal address)	93 Buffalo Beach Road, Whitianga	Postcode	3510

B. Pre-application meeting

Have you had a pre-application meeting or spoken to someone in DOC?

No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>

- If yes record the:

Date of DOC pre-application meeting	14/09/2023 and 27/09/2023
Name of DOC staff member	Nick Kelly - Operations Manager (Coromandel)
Name of person who had the pre-application meeting with DOC	Sec 9(2)(a)

C. Activity applied for

Tick the **activity application form** applicable to the activity you wish to undertake on public conservation land. Complete the applicant information form and the activity application form and email them with any attachments to permissions@doc.govt.nz

ACTIVITY APPLICATION FORM*	FORM NO.	TICK
Grazing	2a	<input type="checkbox"/>
Land use: Tenanting and/or using existing DOC facility/structure	3a	<input type="checkbox"/>
Land use: Use of public conservation land for private/commercial facility/structure	3b	<input checked="" type="checkbox"/>
Guiding/Tourism/Recreation: Watercraft activities	4b	<input type="checkbox"/>
Filming	5a	<input type="checkbox"/>
Sporting Events	6a	<input type="checkbox"/>
Marine reserves application form: Structure in a marine reserve	11a	<input type="checkbox"/>
Other activities (not covered in the above forms or in the new activity application forms that combine applicant and activity information)	7a	<input type="checkbox"/>

Note: If the activity is not in this list check the activity on the DOC website to find the correct application form or book a pre-application meeting. Application forms that combine applicant and activity information on the DOC website include:

- [Aircraft activities](#)⁸
- [Easements](#)⁹
- [Land based guiding](#)¹⁰

⁸ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/aircraft-activities/>

⁹ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/access-easements/>

¹⁰ <https://www.doc.govt.nz/get-involved/apply-for-permits/business-or-activity/land-based-guided-activities/>

D. Are you applying for anything else?

Are you submitting any other application forms in relation to this application?

No

Yes

- If yes, state which application forms:

E. Background experience of applicant

Provide relevant information relating to your ability to carry out the proposed activity (e.g. details of previous concessions, membership of professional organisations, and relevant qualifications).

Mercury Bay Boating Club has been an incorporated society for more than 35 years, is an affiliated club under the New Zealand Yachting Association and has operated a community facility on public land leased from Thames Coromandel District Council for nearly 30 years (copy of lease agreement attached).

The Club has an active and dedicted committee, strong membership and enjoys a high level of community connection and support.

A timeline is attached which summarises the Club's history stretching back to the 1940s and earlier.

Refer also to information supplied in support of the Form-3b concession application.

F. Attachments

Attachments should *only* be used if there is:

- Not enough space on the form to finish your answer
- You have additional information that supports your answer
- You wish to make an additional request of DOC regarding the application.

Label each document clearly and complete the table below.

Section of the application form the attachment relates to	Document title	Document format (e.g. Word, PDF, Excel, jpg etc.)	Description of attachment
<u>Correct example</u> ✓ D	Locations	PDF	Trust Deed.
<u>Incorrect example</u> ✗ Table	Doc1	Word	Table
E	MBBC - Historical timeline.pdf		History of the Club
E	TCDC lease agreement.pdf		Copy of Council lease agreement (for the Club's existing site at 93 Buffalo Beach Road)

G. Checklist

Application checklist	Tick
I have completed all sections of this applicant information form relevant to my application and understand that the form will be returned to me if it is incomplete.	<input checked="" type="checkbox"/>
I certify that the information provided in this applicant information form, and any attached additional forms is, to the best of my knowledge, true and correct.	<input checked="" type="checkbox"/>
I have completed the activity application form .	<input checked="" type="checkbox"/>
I have appropriately labelled all attachments and completed section F Attachments .	<input checked="" type="checkbox"/>
I will email permissions@doc.govt.nz my: <ul style="list-style-type: none"> • Completed applicant information form • Completed activity application form/s • Any other attachments. 	<input checked="" type="checkbox"/>

H. Terms and conditions for a credit account with the Department of Conservation

Have you held an account with the Department of Conservation before?	Tick
No	<input checked="" type="checkbox"/>
Yes	<input type="checkbox"/>
If 'yes' under what name	

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to the terms and conditions for an account with the Department of Conservation

Terms and conditions	Tick
I/We agree that the Department of Conservation can provide my/our details to the Department's Credit Checking Agency to enable it to conduct a full credit check.	<input checked="" type="checkbox"/>
I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective.	<input checked="" type="checkbox"/>
I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice.	<input checked="" type="checkbox"/>
I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date.	<input checked="" type="checkbox"/>
I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account.	<input checked="" type="checkbox"/>
I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met.	<input checked="" type="checkbox"/>
I/We agree that the Department of Conservation can provide my details to the Department's Debt Collection Agency in the event of non-payment of payable fees.	<input checked="" type="checkbox"/>

Typed applicant name/s	Sec 9(2)(a) (Commodore) on behalf of Mercury Bay Boating Club	Date	17/10/2023
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For Departmental use			
Credit check completed			
Comments:			
Signed		Name	
Approved (Tier 4 manager or above)		Name	

CONCESSION APPLICATION – Form 3b Private/commercial facility/structures

MERCURY BAY BOATING CLUB

DUNDAS STREET, WHITIANGA



APPLICATION SUMMARY

APPLICANT:	Mercury Bay Boating Club
APPLICATION SITE ADDRESS:	Dundas Street, Whitianga (Southern Reclamation)
DESCRIPTION OF PROPOSAL:	Locate and operate a community facility (boating club/clubhouse building) and dinghy ramp on a Crown reserve.
RECORD OF TITLE:	n/a (Crown Land)
LEGAL DESCRIPTION:	Lot 6 DP 426920
PARCEL AREA:	2374m ²
DISTRICT PLAN:	Thames Coromandel District Plan (Appeals Version)
GPS COORDINATES (NZTM)	5 919 580 mN 1 841 263 mE
ZONING:	Marine Service Zone
OVERLAYS:	Coastal Environment
CONSENTING REQUIREMENTS:	<p>Department of Conservation concession / long-term lease</p> <p>Land use consent - establish a public facility</p> <p>Land use consent - Construction of dinghy ramp below MHWS</p>
ATTACHMENTS:	<ul style="list-style-type: none"> • DoC Form 1a – completed • DoC Form 3b - completed • Proposed Site Plan – RMS Surveyors 7876-D1 • Whitianga Marina Society letter of support - dated 3 October 2023 • WRC email (not affected) - dated 18 October 2023 • MBBC – History/timeline • Council lease agreement – 93 Buffalo Beach Road

DOCUMENT CONTROL

RMS REFERENCE	7876-02		
DOCUMENT STATUS	Amended		
REVISION NO.	4		
DATE	04 April 2024		
FILE LOCATION	C:\\RMS Surveyors Dropbox\RMS Surveyors Team Folder\Jobs\7876 MERCURY BAY BOATING CLUB\RMS DOCS		
PREPARED BY	Sec 9(2)(a) (as agent) Surveyor AMS+SNZ	Sec 9(2)(a)	
REVIEWED BY	Sec 9(2)(a) Commodore	Sec 9(2)(a)	
DISTRIBUTION	Department of Conservation (DoC)	04 April 2024	Rev. 4
	MBBC Committee	04 April 2024	Rev. 4
	Ngāti Hei	17 October 2023	Rev. 2
	Whitianga Marina Society	17 October 2023	Rev. 2

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INTRODUCTION

This is an application on behalf of the Mercury Bay Boating Club for a concession / long-term lease to locate their clubrooms and operate a community facility on Crown Land (Lot 6 DP 426920 - Local Purpose Reserve) at Dundas Street, Whitianga.

Completed Department of Conservation Applicant Information Form 1a and Concession Application Form 3b are attached.

Detailed responses to Form 3b questions A, B, C, D and H are given below.

A site plan showing the proposed building location and reserve is attached and below. NZTM coordinates for the site are **5919575 mN** and **1841254 mE**.

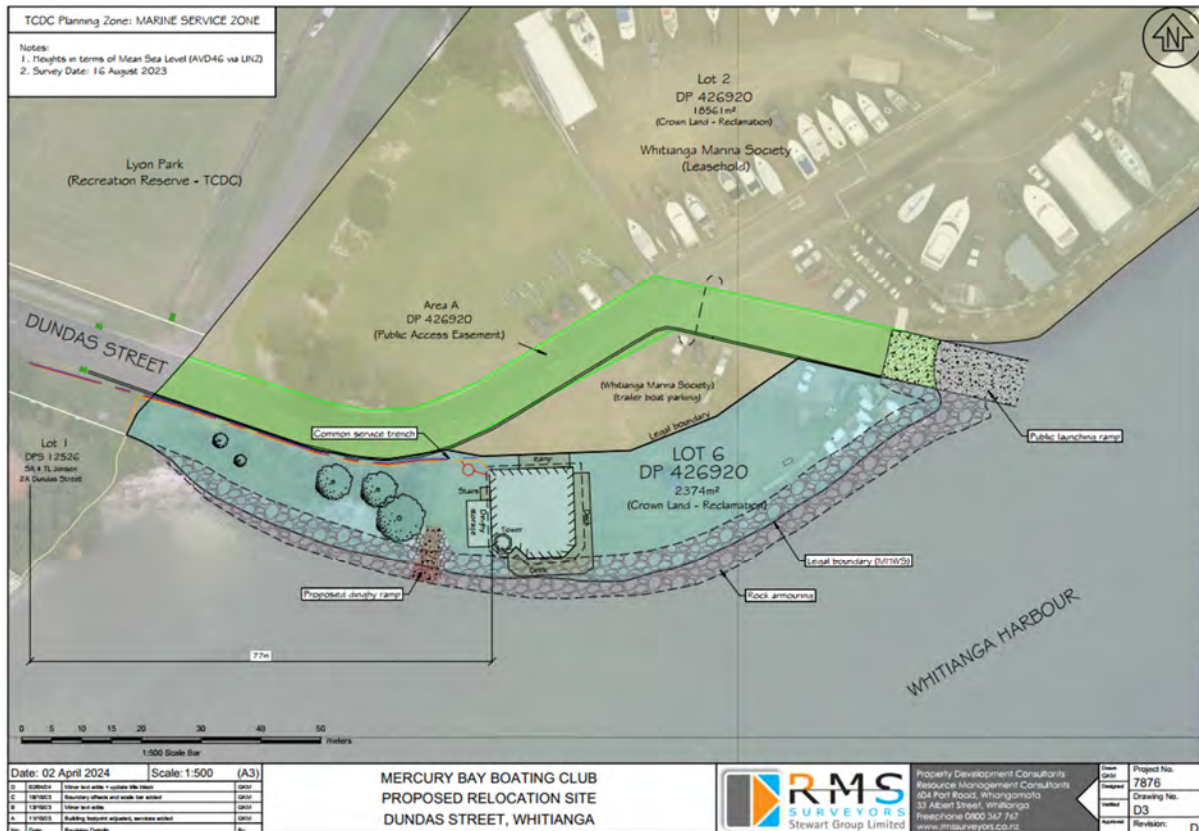


Figure 1 - Proposed site at the Southern Reclamation / Dundas Street Reserve, Whitianga

BACKGROUND

The Mercury Bay Boating Club wishes to relocate their existing clubroom building and sailing club operations from the Council owned reserve at Buffalo Beach to a strip of Crown reserve on the Southern Reclamation, adjacent to the Whitianga Marina and Dundas Street boat ramp.

The existing site at Buffalo Beach was severely impacted by erosion during the cyclone events of early 2023. The clubhouse building was uplifted under emergency measures following accelerated erosion of the shoreline during Cyclone Hale and Gabrielle.



The building is currently on temporary stands and the Club has been working with Iwi and other stakeholders for consent to reinstate the building further back on the existing site. However, due to significant cultural and heritage issues at the site, and the potential for further coastal erosion, it has become clear that the existing site is no longer viable. An alternative site is therefore required.

The Dundas Street site has been identified as the only suitable alternative in the area due to its proximity to the water, location close to the marina, zoning, and relatively low potential for impact on neighbouring properties and viewshafts. The Dundas Street site is reclaimed land which did not exist at the time the building was constructed in the late 1990s. Had it been available at that time, the Club would most certainly have sought permission to establish the clubhouse building in this location.



Figure 2 - Southern Reclamation and Dundas Street Reserve, looking east.



A. DESCRIPTION OF ACTIVITY

The Mercury Bay Boating is seeking a long-term lease of part of the Dundas Street reserve on which to re-locate the clubroom building and resume operations as a community boating club facility. Activities to be carried out on the site include junior and senior learn-to-sail programs, hosting of sailing events and regattas. In addition, the clubrooms are used for private and community functions from time to time, which allows the Club to generate income to assist with upkeep and maintenance.

The club has no/restaurant/bar or liquor license.

The Club is an incorporated society / not-for-profit organisation and all income generated from membership subs, regatta fees and functions is used to cover sailing equipment, coaching and other and club related running costs.



Figure 3 - Junior sailors



Building Description

The clubhouse was constructed in the mid 1990's and officially opened in 1997. The building is of timber construction on piles, with Hardiplank cladding and an iron roof. The main building measures approximately 15m long by 14m wide and has a floor area of 201m².

The building contains a large function room cathedral ceilings and mezzanine floor. A kitchen, toilets and showers are located to the side. The rear of the building functions as a storage garage with roller doors for sailing dinghies and coach boats. A further 35m² of covered storage for sailing dinghies is provided via a lean-to structure attached to the south side of the building. Deck areas (approximately 100m²) extend on the seaward and northern sides. Refer photos below.

Note, all decks, ramps and the lean-to dinghy-store were removed during the building uplift and will need to be reconstructed once the building has been re-sited.



Figure 4 - Clubroom building at existing site prior to the 2023 cyclone events.



Figure 5 - Clubroom building at existing site immediately prior to the 2023 cyclone events.



Figure 6 - Main function room.



Figure 7 – Erosion and deck removal following Cyclone Hale.



Figure 8 - Clubroom building currently on temporary stands at Buffalo Beach.



District Plan Zoning and Consenting Requirements

The site is zoned Marine Service Zone under the TCDC District Plan. The Marine Service Zone purpose is stated in the Plan as follows;

“provides for commercial and small-scale industrial activities which directly service marine recreational users and marine farm and fishing industries.”

Permitted activities in the Marine Service Zone (Section 49 Rule 1) include **Commercial/Recreational Facility, Community Facility, General Commercial**. Examples of complying activities are listed in the Plan as including;

*“boat sales, dive bottle filling, hire of marine vehicles, sale of fishing gear, seafood outlet, **sailing school, yacht club, coast guard.**”*

The operation of the boating club and sailing school will therefore be a **Permitted Activity** under the District Plan.

A land-use consent will be required as the building will not meet the 5m side-yard standards for the Marine Service Zone. The building complies with all other zone standards. A land-use consent application will be submitted to TCDC in due course.

A building consent will also be required from TCDC. Geotechnical investigations will be carried out and a foundation design prepared a chartered engineer. Initial indications are that a driven pile design will be the most appropriate.

Services and Utilities

Public power, water and wastewater services are available in Dundas Street and applications for new service connection will be made to Council and PowerCo. Service leads will be laid in a common service trench as indicated on the attached site plan. No telecom connection is required.

Wastewater disposal will be via in-ground macerator tank with a Ø50mm pressure line to the Council sewer manhole located outside 2A Dundas Street.



Stormwater disposal (roof water) will be detailed at time of building consent, likely to be either in to in-ground soakage and/or direct to sea. A discharge consent from Waikato Regional Council may be required and if so will be addressed as part of the building consent application.

B. ALTERNATIVE SITES CONSIDERED

Alternative sites along Buffalo Beach, including the present site at Taputapuatea, Brophy's Beach, Ohuka Reserve, and the main Buffalo Beach Reserve have been considered but ruled out as being either impractical (for launching boats) or subject to heritage, cultural, planning and/or viewshaft issues.

The Esplanade/northern reclamation has been ruled out due to the already congested nature of commercial and recreational activities in that area, and wider planning and zoning considerations.

Reserve areas further up the harbour including at Robinson Road have been ruled out as impractical due to lack of space, cultural, ecological and viewshaft issues, and the tidal nature of the upper harbour.

The Dundas Street site by contrast is appropriately zoned, has excellent water access and connection to existing marine and recreational activities, has no cultural or ecological issues and very low potential for any impact on neighbouring properties.

C. PROPOSED LEASE AREA

The Club proposes a lease of all the reserve that is Lot 6 DP 426920, with an area of 2374m², bounded by the Whitianga Harbour (MHWS) on one side and Crown Land (Lot 2 DP 426920) leased by the Whitianga Marina Society on the other.

The western end of the reserve abuts the end of Dundas Street (legal road reserve). The eastern end terminates at the Dundas Street boat ramp. A public access easement is in place over the land that is leased by the Marina Society. The area between the access easement and the reserve is used for boat trailer parking. Refer photos below.



The Club will undertake to maintain the lease area, including grass cutting, trees and gardens, at no cost to DoC.

Proposed Dinghy Ramp

As part of this application, the Club proposes to construct a dinghy ramp towards the western end of the reserve, to minimise potential conflict between the Club's activities and existing users of the public boat ramp. The dinghy ramp would be similar in style to the existing kayak ramp located on the northern reclamation. The Club will cover the cost of building and maintaining the ramp which would then be available for public use. Details of the ramp design would be agreed with DoC and would subject to appropriate resource consents from Regional Council.



Figure 9 - Public kayak ramp on the northern reclamation.



The other than the immediate area occupied by the clubhouse building, the reserve and wider area will continue to be available for public use and overflow boat and trailer parking.

The Club has an excellent track record as a responsible operator on public land at its current location, which it has occupied for nearly 30 years. The Club currently leases an area of 3245m² from Council. A 30 year right of renewal was recently approved by the Community Board.

A copy of the lease agreement is attached for reference.



Figure 10 - Entrance to the southern reclamation from the end of Dundas Street.



Figure 11 - Looking back at Dundas Street and the western end of the reserve. Lyon Park is on the right.



Figure 12 - Southern Reclamation and access road to the boat yard and ramp. Proposed building location as indicated by the arrow.



Figure 13 - Looking southwest with Dundas Street boat ramp in the foreground.



Figure 14 – Junior sailors in action immediately in front of the Dundas Street reserve.



Figure 15 - Junior sailors in the harbour off the Dundas Street reserve.



Figure 16 - Launching from the public boat ramp at Dundas Street.



D. EXCLUSIVE POSSESSION

The Club will require a right to restrict/limit public access to the building and deck areas ('the building footprint').

The Club would like to retain the ability to demarcate and exercise control over the land immediately around the building, to facilitate day to day activities. This would include for access, rigging of boats and staging of events. The Club anticipates this being managed on an informal basis, as is the case at the present location.

To confirm, the Club is not seeking any formal exclusive use rights beyond the building footprint. The remainder of the reserve will continue to be available for public use and overflow boat and trailer parking.

H. ENVIRONMENTAL IMPACT ASSESSMENT

The proposal is not likely to result in any significant environmental impacts. The establishment and operation of a boat club/sailing school as community facility at this location is a permitted activity under the District Plan and will not generate any effects beyond what is reasonably anticipated in the Marine Service Zone.

The Club does not generate high traffic volumes or noise, certainly much less than what might be reasonably anticipated by the existing marina and coast guard operations, public boat ramp users and rugby club and sports activities on Lyon Park.

Public Access and Amenity

The proposal will not unduly restrict public access to the reserve or boat ramp. The building footprint represents only 10% of the total reserve area. Ample room for dinghy storage and associated parking will remain available for public use.

The reserve has been described as something of a forgotten corner with responsibility lying somewhere between the Marina Society, Council and DoC. The boat ramp itself is not heavily used by the public for launching of trailer boats as it is semi-tidal and prone to silting. Parking is ad-hoc



in nature and other than the trees and grassed area at the western extent, the site is not particularly well maintained. Abandoned vehicles and derelict boats and dinghies are a recurring problem.

The proposal will bring a higher level of public focus to the immediate environment and will improve the value and amenity of the site as an asset to the community. The site has excellent connection to the existing marina and coast guard operations and is more accessible by the public than the present site at Buffalo Beach.

The proposed dinghy ramp will be available for public use and will avoid potential conflict between boaties and hand-launching of dinghies and kayaks, which is not currently provided for on the southern reclamation.

The net effect on public access and amenity is therefore likely to be positive.

Marina Operations

Consultation has been undertaken with the Marina Society to address any potential effects on marina operations. The Marina Society is supportive of the proposal and a letter of endorsement from the Marina Society Committee is attached.

Planning Related Effects

Potential effects of not meeting the 5m side-yard standard are considered to be negligible. There are no affected parties on the harbourside boundary. The immediate area on the landward side is used for parking only and cannot be built on due to the public access easement. The side-yard infringement is simply a function of the nature of the site. Initial advice from Council is that a land-use consent for the side yard infringement would likely be granted.

Waikato Regional Council has advised that as the building will be located landward of MWHS, it does not consider itself to be an affected party. (Refer attached email Sec 9(2)(a) dated 18 October 2023.) A consent will be required for the proposed dinghy ramp however, as the lower part of the ramp will be below MHWS.

Residential Neighbours

The proposal is not likely to result in any adverse effects on other properties in the vicinity. Lyon Park and the marina facility buildings provide a large buffer from residential areas to the west and



north, and the site is well screened by established trees. The nearest residential property is at 2A Dundas Street, located approximately 77m west of the proposed building site. The clubhouse building will be well screened from this property by trees and will have no impact on viewshafts.

All Club activities will comply with Council noise limits which will be strictly enforced. No after-hours events are proposed. The Club prides itself on being a good neighbour and has worked with its neighbours at the current site to minimise any potential impacts on their wellbeing. The proposed location has greater separation to its nearest neighbour than the Buffalo Beach site and no significant adverse effects on neighbouring properties are anticipated. If in the event that any issues do arise, the Club undertakes to act in good faith and will address any effects to the full extent of its ability.

Cultural and Ecological Effects

The reserve is part of the 'Southern Reclamation' which was formed in the late 1990s as part of the larger reclamation project which created the Whitianga Marina. The site therefore has been artificially formed, relatively recently, and as such has no significant cultural or ecological qualities.

This is in direct contrast to the present site at Taputapuatea/Buffalo Beach, which is gazetted *Wahi Tapu* and has a raft of very significant cultural, heritage and ecological characteristics. Relocation of the Boating Club to the Dundas Street site is likely to have significant positive cultural and ecological effects.

The Club has engaged with Ngāti Hei over the reinstatement of the building on Taputapuatea, including a Hui with the wider Trust in June 2023. Ngāti Hei has since expressed their support for the proposed relocation to the Dundas Street site. A copy of this application has been forwarded to Ngāti Hei for review.



Construction Effects

The site is flat, and no earthworks are required to establish the building. Foundations will be driven piles, and the building will be transported to the site either by barge or road.

Services will be connected to existing infrastructure in Dundas Street via a shallow service trench and/or directional drilling. Construction related activities will therefore be minor in nature and can be managed through normal controls via the building consent process.

Construction of the dinghy ramp will involve minor earthworks and reshaping of the rock wall which will be subject to a resource consent from Waikato Regional Council. Controls will be implemented via the consent process and no significant adverse effects on the environment are anticipated.

No significant construction effects are therefore anticipated.

SUMMARY

The Mercury Bay Boating Club has a long-standing connection with the Mercury Bay community, enjoys excellent community and volunteer support and has one of the most successful junior sailing programmes in the country.

The current predicament faced by the Club as a result of the cyclone events of 2023 has been challenging.

Yet, Club membership remains strong and the Club is looking to further expand and grow its summer sailing program this year, albeit from a temporary base out of a shipping container. This demonstrates the high level of commitment and determination by the Club and its members to overcome the hurdles currently faced and reflects the importance of the Club as an asset to the wider community.

The Club, however, also recognises the significance of the current site on Taputapuatea as sacred to Ngāti Hei and that a more appropriate location needs to be found.

The Dundas Street site was not an originally an option when the building was constructed on Taputapuatea, as the Marina reclamation did not exist at that time. While Ngāti Hei gave permission



to allow the building to be established on the current site back in 1995, it is clearly not a comfortable arrangement.

With the Dundas Street option now available, the argument for the building to remain on Taputapuatea is significantly diminished. Coupled with other planning, erosion, and environmental issues, and despite the Club's best efforts, reinstatement on the present site is not considered viable.

Therefore, being satisfied there will be no significant adverse effects, the Club, with the support of Ngāti Hei, seeks permission from the Minister of Conservation for a concession to lease the Dundas Street Reserve, so it can continue to operate as a sailing and boating club for the benefit of the Mercury Bay Community.