

**Before the Environment Court
At Auckland**

In the matter of the Local Government (Auckland Transitional Provisions Act 2010
(**LGATPA**) and the Resource Management Act 1991 (**RMA**)

And

In the matter of appeals under section 156(1) of the LGATPA

Between **Weili Yang, Zhi Lu & Jing Ni**

(ENV-2016-AKL-000196)

Okura Holdings Limited

(ENV-2016-AKL-000211)

Appellants

And **Auckland Council**

Respondent

And **Weiti Development Limited Partnership**

Section 274 Party

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**STATEMENT OF EVIDENCE OF CHRISTINA BETTANY ON BEHALF OF
THE LONG BAY - OKURA GREAT PARK SOCIETY INCORPORATED**

28 JULY 2017

**And Long Bay-Okura Great Park Protection Society
Section 274 Party**

**And Royal Forest and Bird Protection Society Incorporated
Section 274 Party**

Introduction

1. My name is Christina Bettany and I have been a member of the Long Bay-Okura Great Park Society executive committee for seventeen years. I am a past convenor for the Society, standing down at the end of last year when I was elected to the Hibiscus and Bays Local Board of Auckland Council.
2. I have a Diploma in Education with Distinction. For the past thirty years I have worked in the area of social services for Government. I was instrumental in developing a number of community based social services in the North Shore prior to becoming a community funding agent for the Department of Child Youth and Family for ten years. I have taken a lead role preparing a number of consumer health publications for the Ministry of Health. For the fifteen years prior to last year, I was responsible for assessing the family circumstances of young people estranged from their parents for the Department of Social Services.
3. I wish to give the Court some background about the Long Bay Okura Great Park Society, why it exists and why it elected to become a s274 party to this appeal.

Background of the Long Bay-Okura Great Park Society and Okura Environmental Group

4. The genesis of the Long Bay-Okura Great Park Society was the 1996 Environment Court decision which defined the Metropolitan Urban Boundary at Vaughans Road Okura, thus preventing urbanisation of the Okura catchment and allowing development of the Long Bay catchment.
5. The Society engaged in the development of the Long Bay Structure Plan, with the aim of protecting the waters and ecology of the Long Bay Okura Marine Reserve, protecting and conserving the landscape and archaeology of Long Bay Regional Park and its surrounds, and protecting the wilderness ambience of the northern half of the Park. This was a long battle which included countless submissions, deputations to Council, and giving evidence at a Commissioner hearing, before becoming an active party in Environment Court proceedings. The Society had a membership of over a thousand people across Auckland who were passionate about this largely natural environment and wished to keep it that way.

6. Meantime, while the focus for the Society remained on protecting Long Bay, the Okura Environmental Group (OEG) formed, comprising Keep Okura Green, the Okura Residents and Ratepayers Assn, East Coast Bays Coastal Protection Group, Te Tinana o Ngati Whatua, the North Shore branch of Forest and Bird, and the Society, and became a major player in the 2003 Environment Court Hearing in which the North Shore City Council sought more intensive development at Okura.
7. The purpose of the OEG groups coming together was to work collaboratively to protect the waters, archaeological sites and landscape of the Okura Estuary and environment from this development. The 2003 Environment Court decision established the permitted density of development, differentiating between west and east Okura, west being zoned Rural 4 (i) with an average of 2 ha lot sizes, and east, Rural 4 (ii) with a minimum of 4ha lot sizes. These sizes were reflected in the North Shore City Council District Plan (NSCCDP).

Proposed Auckland Unitary Plan

8. With the notification of the Proposed Auckland Unitary Plan (PAUP), the rules that had been established through the Long Bay and Okura Environment Court cases were opened up for challenge. The Society and the OEG joined forces and sought to retain most of the provisions of the respective existing district plans for Long Bay and Okura by participating in the Independent Hearing Panel's hearing process.
9. In the PAUP hearings, the Society and OEG presented evidence stating that they agreed with the Council planner, Mr Austin Fox, that the zoning of Countryside Living should be retained at Okura. Other Council experts gave evidence on stormwater, marine ecology and fresh water ecology as to why this zoning should be retained.
10. Reasons given included that urbanisation of the land would result in adverse effects on water quality, ecology and hydrology of the streams on the land, and this was inconsistent with the National Policy Statement of Fresh Water Management. Stormwater sedimentation and contaminants generated through urbanisation would also likely cause adverse effects on the Marine Reserve, inconsistent with the New Zealand Coastal Policy Statement.

11. Evidence was given that the Okura Estuary provides habitat for a number of threatened and sensitive shore bird species, and contains ecosystems that would be under threat from sedimentation and contaminants.
12. The Society's own experts, Ms Diane Lucas, Landscape Architect; Mr Peter Reaburn, Planner, and Mr Bernard Michaux, terrestrial ecologist, each gave evidence also concluding that the land north of Vaughans Road should remain outside the RUB and not open to urbanisation or more intensive development other than what was provided under the then operative NSCCDP. Andres Roa, stormwater, and Sam Morgan, coastal processes, also gave evidence that further urban development in the Okura catchment would have negative impacts on the Marine Reserve through the effects of sediment and contaminants.
13. Further reasons for not supporting intensification included:
 - (a) The Okura Estuary and Okura Bush are of considerable importance for having an outstanding natural landscape and natural character, and were classified as being highly significant ecological areas (SEA 1). Urbanising Okura would have negative landscape effects on each of these.
 - (b) Urbanising Okura would adversely affect the visual amenity of Long Bay Regional Park, the Te Araroa Walkway and the Okura Bush Scenic Reserve.
 - (c) The location of the RUB on the Vaughans Road ridgeline provided a strong defensible boundary. Other RUB proposals offered weaker landforms as a defensible boundary.
 - (d) There was agreement with the evidence in chief of Chloe Trenouth, planner for Council, who stated (paragraph 96(b)) that where possible it is best to avoid development in catchments and areas that are not currently developed and are still of good quality.
14. Both groups were jubilant when the Council's decision delivered most of what they sought.

Why the Society elected to become a s274 party to proceedings

15. The aims of the Society as documented in its Rules include:

- To be beneficial to the community through the protection and enhancement of the Long Bay-Okura Marine Reserve.
 - To be beneficial to the community through the protection and conservation of the landscape and archaeological resources of Long Bay-Okura.
 - To be beneficial to the community by protecting the environment through the conservation, revegetation and beautification of the existing public park land at Long Bay-Okura.
16. In other words, members of the Society, as does the OEG, wish to see the Marine Reserve continue to flourish with regenerating fish and other marine creatures. They wish to see the rare and endangered shore birds such as the dotterels and pied oyster catchers retain their habitats, their nesting and feeding grounds, and for the bar-tailed godwits, knowing that they can return to their safe restoring grounds that they are programmed to fly to from great distance. They wish to see that cheniers of the Estuary remain undisturbed by massive earthworks that can change the coastline.
17. Members of the Society and OEG want to protect the outstanding landscapes afforded to the Okura Scenic Bush Reserve on the northern boundary of the Estuary, and the southern side on the northern shores of the Regional Park. In an assessment of landscape values around Auckland a few years back, the Okura Estuary was ranked as one of the seven best landscapes of Auckland. Little in the way of landscape has changed since that study.
18. Members wish to ensure that the northern half of the Regional Park is not imposed upon by neighbouring houses. Members of the Society and the public wish to be able to enjoy this remote area, with the 'get away from it all' quiet, peaceful, almost sacred experience it offers, from whence there are magnificent views across the Estuary and sweeping out to the Hauraki Gulf.
19. Members wish to conserve and enjoy one of the last stands of lush coastal broadleaved native bush that flanks the northern shores of the estuary, unadulterated by intensive housing in close visible proximity across a narrow open strip of water which will change that experience.
20. And they want to protect these things, not just for themselves, but for all Auckland, all New Zealand and beyond, to experience and appreciate now and into the future.

21. If intensive development were to proceed, there would be dense housing on the slopes of the OHL land which would resemble the development at Long Bay. This is staggeringly different from what is currently zoned for this land – 26 ha lots. The 26 properties will have a much more rural look with large areas of green space and many trees softening the landscape.
22. Intensive development would change the Okura Bush Walk into a different experience. It would become one that people can already get from a myriad of city bush walks, not far from an urban setting, compared with what is now: a unique setting of bush, estuary and rural countryside living with no signs of urbanisation in sight.
23. Intensive development at Okura would change the ‘wilderness’ experience one gets from the northern end of the Regional Park which has the greatest sense of remoteness. The Park abuts the OHL land on a ridgeline running north to south along the western boundary. I have walked the end of the Regional Park many times over 45 years. If urban development were to occur, the entire development would be clearly seen from the western part of the Park and from the higher parts of the coastal walking track at the northern most end of the Park, part of the Te Araroa Walkway. Buildings on the ridgeline would be seen from much of the northern parts of the park.
24. While the northern part of the Park is currently mostly used by walkers, runners and cyclists, a new public access into the north western edge of the Park is being created from the end of Vaughans Road. The Parks section of Auckland Council has told us that they propose a small parking area at the end of the access, and from this area, a series of loop walkways will be developed in the northern end of the Park similarly to the walkway loop tracks behind Grannies Bay. The development of these tracks will encourage more people to explore the north-western end of the Park, and they will be subjected to the full impact of the entire development, not just the houses of the ridgeline.
25. This would dramatically alter the remote experience one currently has of the northern end of the Park. Mitigation with vegetation screening to block houses being seen from the Park will not be successful. The future house owners of the urban lots are likely to trim and destroy vegetation blocking their views as already happens in other parts of Auckland in similar situations. This was

acknowledged in the Long Bay Environment Court case (2008 NZEnvC 205 Paras 485,496).

26. The Long Bay Environment Court case determined that the northern end of the Regional Park has a remote quality that is important to protect. The Court stated in respect of proposed development:

'We ... find that Piripiri Point Ridge is such an important part of the coastal environment and of the Hauraki Gulf/Long Bay ONL that urban development is completely inappropriate'.

27. This is the same ridgeline as at the most northern end of the Park. From the ridgeline behind Grannies and Pohutukawa Bays, the areas relevant to the Long Bay Structure Plan case, there are magnificent views out over the Hauraki Gulf. The views from the most north-western end of the Park are even more magnificent, taking in the Okura Estuary as well as the Hauraki Gulf, making it even more important to recognise that urban development 'is completely inappropriate'. Development on the 4 ha lots will have a much lesser impact on the Park than the urban development proposed by OHL.
28. The Society was heavily involved in the development of the Long Bay Structure Plan from the time of the 1996 Court decision. It made submissions, had street marches, organised a petition signed by 55,000 people (before Facebook), and lobbied the North Shore Council. After the Long Bay Structure Plan was notified in 2004, there were over 11,000 submissions, most opposing development. Members of the Society presented to the Board of Commissioners prior to a three-year participation in the Environment Court. They raised almost \$500,000 to cover the costs of the legal process. All this took thousands of volunteer hours. Although the Society was proud of what it achieved, such an effort takes a toll, and many thought that the Society's work was done, complete. Many protective regulations had been introduced to protect at Long Bay and Okura what it was seeking to protect.
29. The notification of the Auckland Unitary Plan was a bitter blow for the Society and the OEG so soon after the success of Long Bay, and having fought the Okura Court case. It seemed as though it would have to start from scratch again to protect what it had gained through the two Environment Court procedures. Again long volunteer hours were worked in organising for the case and raising funds to participate in the Auckland Plan hearings. And while

the membership and general public were overjoyed when the fruits of the labour were rewarded with decisions that Society and OEG had been seeking, there was a sense of exhaustion.

30. It was another bitter pill to swallow when the Council's decision to retain the Rural Urban Rub at Okura was appealed. Energy was low for another battle, and members were deeply concerned or daunted at having to find such a large sum for costs. But the cost of not participating was too environmentally dear to not do so. The Okura environment is a much too rare taonga in Auckland to risk losing. The Society and the OEG again galvanised to fight to protect what it knows is too precious to lose.
31. The Okura Estuary is last unspoilt, 'un-urbanised' estuary on the east coast of Auckland. It is close to Auckland city. The Environment Court in its 2003 decision states'

'However our findings about the adverse effects which urbanisation in the Okura catchment would necessarily have on the environment, in particular on the quality of the waters of the estuary and its margins, support a definition of the metropolitan urban limits so as to exclude the land in that catchment... They find it reasonably foreseeable that future generations of Aucklanders will have need of accessible experience of an estuary in a natural condition. The Okura Estuary is the last of its kind on the east coast of the North Shore which retains that condition. Urbanisation in the Okura catchment would not sustain the potential of the Okura Estuary to meet that need. The Okura Estuary possesses a capacity to support life, largely due to its natural condition, and the high quality of its waters and ecosystem. Urbanisation of the part of the subject land in this part of the subject land in that catchment would necessarily result in a significant deterioration of the quality of the waters to the extent that their life-supporting capacity would be imperilled.' A095/2003 [10]

'... in a regional context the Okura Estuary is unquestionably significant for present and future inhabitants of wider Auckland – a factor recognised in the identification of the metropolitan limit in earlier litigation. In a broad sense, that determination has an important bearing on the emphasis to be applied in seeking to maintain the area's natural values, and in recognising that the district's planning framework for the catchment needs clearly to reflect that the area lies beyond the metropolitan limits without being regarded as an interim or short-term form of transition to future urbanisation. A095/2003 [64].

32. Beyond the membership of the Society, countless people have become aware of the threat of impacts of urbanisation at Okura through social media and almost all are appalled that such a development could even be considered.
33. As mouthpieces for the membership and for the public, in spite of hurdles it would have to jump, the Society and the OEG have combined to fight as a s274 party, for what is so precious about all that Okura encompasses and the values associated with it as described above. They concur with the Environment Court when it says: "*[We] find it reasonably foreseeable that future generations of Aucklanders will have need of accessible experience of an estuary **in a natural condition.***" We believe that for that to happen, the proposed development at Okura cannot proceed.

Christina Bettany
28 July 2017