

**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 **Weli 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

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

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

**STATEMENT OF REBUTTAL EVIDENCE OF PETER TOWNEND ON
BEHALF OF THE LONG BAY - OKURA GREAT PARK SOCIETY
INCORPORATED**

8 September 2017

1	INTRODUCTION	2
2	Te Araroa Walkway - David McGregor.....	2
3	Craig Jones	4
4	Sedimentation - Graeme Ridley	5
5	John Craig	6
6	Mr Peter Phillips.....	7

1 INTRODUCTION

- 1.1 My name is Peter Duncan George Townend
- 1.2 My background and involvement with the case is as set out in my evidence dated 28 July.
- 1.3 The purpose of this rebuttal statement is to respond to aspects of the appellants' evidence which I have read.

2 Te Araroa Walkway - David McGregor

- 2.1 I would have expected that prior to forming an opinion in support of the appeal (para 4.1), the Te Araroa Board would have engaged with local organisations and groups regarding the best crossing points of the Okura Estuary. To our knowledge there has been no contact with the local organisations from Walking Access or Te Araroa at all.
- 2.2 These local groups support Te Araroa walkers in this area. We are the people on the ground supporting walkers in many ways, from feeding and housing to transport across the estuaries and advice. These local groups have also been responsible for forming the Okura Bush Reserve, forming the Marine Reserve, restoring and maintaining Dacre Cottage and protecting the Okura and Weiti Catchment and Long Bay Regional Park from urban sprawl and sediment through multiple Council and Court processes. Common courtesy would have been to engage with us before supporting this major alteration to an absolutely unique environment.
- 2.3 The current recommended Te Araroa crossing is through the lower estuary as shown on Mr. McGregor's map (Attachment C of Mr McGregor's evidence page 10). On one occasion a large group of school children were pulled from the water at this crossing point, while being washed out to sea on an outgoing tide. Some of the students were in the early stages of hypothermia. At this crossing, the mid-tide rip is dangerous and the eagle rays numerous. From the locals' point of view, it is a fool hardy crossing option.
- 2.4 However, I note from reading walkers' blogs on the Te Araroa website that walkers seem to deal with it well, probably because this small group of walkers (550 walkers per year (Mc Gregor, para 1.12) tend to be experienced trampers. A wade through an estuary when measured against river crossings that are needed on the walkway are considered relatively easy.
- 2.5 Te Araroa suggests a second option (Attachment C of Mr McGregor's evidence page 11), which is to cross at the sandspit to the end of Okura River Road. This is what the locals recommend. The channel is very shallow at low tide, it is much less populated by eagle rays, and at mid and high tide the current sweeps a short distance to shallow

water, so if someone does try to cross when the tide is at higher levels, they will get washed onto a sand bar within a hundred metres rather than out to sea.

- 2.6 The preferred local walkway is from the sandspit (which has been fenced to give the birds space and has since become a productive breeding area for the second time in my 30 years of intimate involvement with the area), then up Okura River Road through the Okura Village and up the grass verge, which is wide and accessible, dry under foot for the walking session and safe away from cars.
- 2.7 With the imminent opening of the Vaughan's Road access to the Regional Park it will be unnecessary for walkers to continue onto East Coast Road, then Glenvar Road to get to Long Bay. They will shortly be able to turn left onto Vaughan's Road from Okura River Road, with some gravel foot paths and grass verge walking, to return safely to the Regional Park.
- 2.8 This option has wide, rural, expansive estuary and gulf views to the east and north and is a stunning addition to the coastal walk way option. It removes any need to have infrastructure built in the Marine Reserve and allows for the small number of Te Araroa walkers to easily and safely cross in the lower tides and have the challenge of timing and river crossing kept as an integral part of exploring our country.
- 2.9 Community groups have been asking for pathways to be built for years and with Te Araroa and Walking Access NZ support for these requests, perhaps better walking paths could be achieved.
- 2.10 It is important to note that the Te Araroa walkers I have met and talked to over the years have said that they cherish the wilderness walking and dislike the urban sections of the trail (see my evidence in chief at 10.9). Apart from loading up on hot solid food, without exception, they would like the walkway to be wilderness all the way. Their shock at the Weiti Development is universal with total disbelief we are allowing these areas to be developed; this is the same with by far the majority of all the visitors on the walk to Dacre Cottage. These same comments will be heard for generations about the short-sightedness of the authorities allowing the urbanisation of our last coastal zones.
- 2.11 It is surprising in my view how much weight is being given to the Te Araroa walk way when it currently only attracts a total of about 550 walkers per year, compared with the current visitor numbers of over a million in the Long Bay Regional Park and tens of thousands on the Okura Bush Walkway. This is of particular importance if considering the expected growth of Auckland in the near future.
- 2.12 Also keeping in perspective, people spending months walking the length of New Zealand are used to waiting for tides, the same as they wait for the ferry or the bus. The walkers are physically fit, usually well organised and throughout their journey have to make safety assessments far more dangerous than this crossing. They have come for the wilderness experiences and natural environment offered by New Zealand, not for the urban walks.

3 Craig Jones

- 3.1 In terms of what Mr Jones describes as the “most important gain” of the appellant’s proposal (para 2.1), i.e. to the reserve area being offered, he refers to a “continuous trail connection along the coastline” (at 5.1). However, as he then more accurately states, this would “*almost* completely achieve the Crimson Walkway” (see para 5.2).
- 3.2 At no stage does Mr. Jones discuss the larger stream and estuary crossings required to actually complete the walking trails as he has promoted them. Crossing the estuarine area of “Heron Creek” (local name) at the western end of the appellant’s land to join the Okura Village would require a 80m bridge at the best, and a 160m bridge at worst, all within the Coastal Marine Area and Marine Reserve, and if the time it took to replace the 10m of coastal boardwalk in Okura Village (8 years) is any indication, would take many years to complete.
- 3.3 By contrast, as I explain above, with the opening of the northern park the coastal ridge route along Vaughan’s Road, which offers panoramic views of the estuary, Hauraki Gulf, rural land and coastal forest and northern coastline, is available later this year.
- 3.4 None of the benefits listed by Mr. Jones in his evidence are exclusively reliant upon moving the RUB. Alternatives to all of these new tracks and loop connects would be available without urbanisation of the catchment, albeit some as coastal ridge tracks.
- 3.5 As I also explain above, I disagree with Mr Jones saying that the only alternative (crossing at the spit, and then using the local roads) would create traffic safety issues for walkers (para 5.10).
- 3.6 Mr. Jones acknowledges that the more ‘remote’ or ‘countryside’ types of experiences are a management focus in the northern area of the park, but finds that these experiences will change by default by growth in use of the park (paragraph 5.24). As Ms Bettany explains in her evidence, and with the additional 38ha recently purchased, I consider there is plenty of capacity within the northern sections of the Park.
- 3.7 The examples of 4 ha residential dwellings then presented by Mr. Jones (paragraph 5.26 -5.27) as justifying his argument for moving the RUB are extreme. More realistic are the types of dwellings currently on the large blocks adjacent to Okura River Road, which to my mind are not like those extreme examples.

4 Sedimentation - Graeme Ridley

- 4.1 Although we recognise the design efficiencies for sediment control outlined by Mr. Ridley in his evidence for the Long Bay development, we have no confidence that the non-structural elements that Mr. Ridley states provide the greatest benefit (paragraph 4.5) will be carried out or will be applied.
- 4.2 Both the Long Bay development and the Weiti development have continued to work during a period of significant wet weather events (paragraph 9.7) inside the earthwork season and during the winter, meaning outside of the earthworks season. As this happened during a year of very high rainfall events the result was high sediment discharges into the Marine Reserve. Expedience and cost outweighs these highly important non-structural methodologies (working in appropriate “weather windows” as Mr Ridley puts it).
- 4.3 Mr. Ridley proposes ecological and/or sediment trigger levels, but no values are provided (paragraph 8.8). As the receiving environment is an estuary and a highly sensitive area of the Marine Reserve, these values should in my view have been presented for discussion by the OHL team.
- 4.4 Mr. Ridley states in paragraph 9.2 of his evidence in chief, a highly efficient SRP with high sediment loads entering the SRP can still result in a high sediment yield, and he continues in paragraph 9.6 to state that from one sediment pond there was confirmed a discharge of 57.26 tonnes of sediment. This, though, appears to be considered acceptable, because it equates to 95% efficiency for the pond.
- 4.5 The discussions by Mr. Donnelly and Mr. Ridley about ‘efficient best practice’ are academic in our eyes. What we have seen over the last few years are the results of ‘best practice’ which are massive plumes of mud coming down the Awaruku and Vaughan’s streams, and the Okura estuary, i.e. as from OHL two-hectare development (OHL case study), south, west and north tributaries of the Okura estuary, Karepiro Beach centre and north streams from the Weiti Bay Development (Weiti case study). We have traced these plumes as far as we can and have gathered evidence, supplied this to Auckland Council and the mud still flows.
- 4.6 I believe the tonnage is also reported in a misleading manner, as the process used to measure sediment weights, as I understand it, is one of taking a one litre water sample and then filtering a portion and drying it, then weighing it and subtracting the dry weight of the filter, which gives the weight of how much sediment is in the litre. Then multiply that by how many litres left the site, and you have a dry powder weight of sediment discharged.
- 4.7 If you want to then convert this dry weight into what we would see if you dug up a shovel of clay, I believe the weights would go up by 50-80%. If we take the conservative approach and multiply a 50 tonne release (the real number from the sediment pond was 57.26 tonnes, Mr. Ridley’s evidence, paragraph 9.6) as mentioned in event 49,

then we would end up with 75 tonnes of clay in a 36-hour period. This is equivalent to a six-wheeler truck dumping a load of clay into the Vaughan's Stream every 9 hours or a wheelbarrow load of clay weighing 50 kilos every 1.46 minutes.

- 4.8 In paragraph 9.6 Mr. Ridley talks about the tonnage retained and released during this event, and then states that "These results for SRPT are assessed as consistent with other sediment retention ponds over the same period". Is he saying here that other sediment ponds on this site were discharging sediment during this rain event? If so, what are the total discharge numbers for the development?
- 4.9 In conclusion, Graeme Ridley's evidence gives me no confidence that the receiving environment will be protected from occasional but massive sediment events and continuous smaller sediment pollution.

5 John Craig

- 5.1 At para 5.10, Dr Craig comments on the local preferred crossing of the Okura Estuary concerning pressures on the birds roosting and nesting sites. This crossing is currently heavily used, and the steps that locals have put in place both physically in the way of fencing and signage and education has seen in the last two breeding seasons successful Variable Oyster Catchers' and NZ Dotterels' reproduction. The increase in Variable Oyster Catcher pairs now regularly seen on the southern shores of the Okura Estuary adjacent to OHL Land may well be the off spring of this successful breeding site. My concern is how you would go about managing the disturbance effects of a whole new permanent population of people living next to the estuary and the breeding sites.
- 5.2 As to Dr Craig's para 5.11, well managed water-based activity has very little effect on wading birds. Kayakers and paddle boarders, swimmers and snorkelers can approach to very close proximity without the birds moving or indicating any form of stress. Mr Don's statement around further pressure of Kite surfing makes logical sense to me. I personally have seen birds aggravated by drones and would imagine a high speed large bird like kite being rather terrifying to an actual 'life sized' bird.
- 5.3 Our litmus test for kayaking in these areas is if the Pied Stilts start tweeting or moving you are too close and you should quietly move away. If the Pied Stilts are not present then if any others show agitation do the same. This seems to keep all the birds on their roosts.
- 5.4 We spend a lot of time educating people on the sandpit and Karepiro Beach around bird etiquette "make them fly and watch them die". This refers to the birds being kept in sustained flight rather than roosting at high tide, as this will reduce condition and prevent successful breeding and, in the Godwits case, is likely to reduce their ability to get back to Siberia etc. This approach is showing great results. Again, my concern is how you would manage or educate a whole new permanent population of people living next to the estuary and the breeding sites.

6 Mr Peter Phillips

- 6.1 Although we recognise the social impacts and demand for housing, Mr. Phillips does not balance that against the very high long term social cost of urbanising the entire Auckland eastern coastline. His evidence provides an assessment in isolation, without consideration of other areas that would offer the same economic benefits. The justifications listed in paragraph 6.5 as having significant merit can all be provided as easily (if not more so) in the Albany Basin and Dairy Flat environments, without serious effects on high ecological values.
- 6.2 The principal social benefits, as evidenced by Mr. Phillips, of the additional public open space (paragraph 9.1 and 11.1(d) and (e)) are of the same kind offered along the rest of the currently urbanised Auckland east coast, a coastal walk adjacent to a highly urbanised area. This would be at the significant social loss of a now unique recreational experience on this coast.
- 6.3 I find Mr. Phillips' comments regarding the local residents and the wider community in paragraphs 10.9 to 10.11, 11.1 (f), and 12.2 demeaning and elitist. His follow-on argument in paragraph 10.10 also belittles other residents' real concerns, drawing a parallel between cell phone towers and the social impacts of moving the RUB. The large scale environmental effects of the high urban development of the catchment into a sensitive receiving environment are significant, increase with magnitude over time and are permanent. They have no similarity with an isolated cell phone tower site that is very localised, can be moved, and in the future, will be innovated into disuse.
- 6.4 Mr. Phillips' opinion expressed in paragraph 10.11 that the proposal would have less than minor adverse effects on the existing community through people reacting negatively to the approval of the proposal is misinformed. People are very angry that this issue has to be fought through the courts again and again, and Mr. Phillips belittles the social effects on the locals and the wider community. The numbers of people adversely affected by the proposal is only "very modest" (paragraph 10.12) when the assessment is limited to those physically affected rather than socially affected.
- 6.5 In Mr. Phillips evidence (paragraph 12.2), he is of the opinion that the relationship people have with the natural environment is a highly constrained view of social well-being. Conversely, Mr. Phillips' economic view of social well-being can also be assessed as highly constrained. Yes, we could easily urbanise the coast of the Marine Reserve (and the rest of the east coast of Auckland), but would it be good for our social well-being? With our truly shocking statistics in mental health, the positive social benefits of people being able to get away from the highly urbanised environments that we currently live in, into the natural environment, cannot be overestimated.
- 6.6 Mr. Phillips' conclusion (paragraphs 13.1 and 13.2) that moving the RUB would have limited adverse social effects and that it would give a better outcome in terms of the aspirations for a liveable city, is short sighted and constrained. Increased urbanisation

of our very limited coastal zone does not provide for the aspirations for a liveable city when it will result in the loss and/or degradation of a unique, highly accessible area of our natural environment. This is particularly true when there are many other options for providing for the physical well-being of our communities without the associated adverse effects.

Peter Townend

8 September 2017