

**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 Protection Society**
Section 274 Party

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

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

28 JULY 2017

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1 INTRODUCTION

- 1.1 My name is Peter Duncan George Townend.
- 1.2 I am the Deputy Convenor of Long Bay Okura Great Park Society, and the Chairman of Keep Okura Green (KOG), an organisation concerned with protecting the Okura Estuary and Long Bay-Okura Marine Reserve and their catchments. KOG has been involved in numerous Environment Court cases promoting positive outcomes for the greater Okura environment.
- 1.3 I am also the Chairperson of the Dacre Cottage Management Committee (DCMC), which maintains one of New Zealand's oldest buildings and local reserves. Dacre Cottage is located at Karepiro Bay on the edge of the Weiti Precinct, with public access by walking along the Okura Scenic Reserve, walking from Stillwater or via the sea. DCMC has organised many working bees where we have worked to protect the area from pests, planted and maintained over 12,000 trees, run community events and repaired and maintained the buildings. As part of this volunteer role I have been the main person that has cleaned the public toilets and mown the lawns for over twelve years.
- 1.4 My business interests have had a long history in water-related sports and activities. I was the founder of the Auckland Kayak School in 1989 and co-founder of Canoe and Kayak Ltd 1994. That company has grown to nine licenced operations specialising in education, retail and tourism throughout the North Island. I hold many kayaking instructor awards. I am also the editor of NZ Kayak magazine.
- 1.5 I founded the Yakity Yak Kayak Club, which has supported over 11,000 members over the past 25 years. I have also coached, played and refereed nationally and internationally in Canoe Polo.
- 1.6 I have held many positions on local and national boards, these include: Auckland Canoe Club, New Zealand Canoe Polo Association, Sea Kayakers Operators Association, Outdoors New Zealand, Okura Ratepayers Association, Keep Okura Green Incorporated, East Coast Bays Coastal Protection Society, Long Bay Okura Great Park Society and Dacre Cottage Management Committee.
- 1.7 In the early years of the Marine Reserve I was an honorary Marine Reserve Ranger, until these positions were removed. I still continue the work in an educational role, using Department of Conservation (DOC) staff and Police when needed to enforce the ban on fishing in the area.

- 1.8 For thirty years I have been on and around the Okura estuary and Karepiro Bay for 10 hours or more per week.

2 MY RELATIONSHIP THE LONG BAY – OKURA MARINE RESERVE

- 2.1 Since the late sixties I have been coming to the Okura Estuary on holidays and then in the early eighties, I started living in the village.
- 2.2 An elderly friend tells of his time as a young man in the nineteen thirties, living in Rothesay Bay and coming to the Okura Estuary overland on foot, past Long Bay, and camping on Friday nights. The purpose of the trip was to fill “mum’s larder”. The catch regularly consisted of rabbit, flounder, mullet and sting ray wings.
- 2.3 In the sixties fish life was so abundant my family still talks of catching mullet “in a hat”. In the eighties, we used to net in the estuary with a catch of never more than two fish; the area had been totally fished out.
- 2.4 Now, following establishment of the Marine Reserve, it is common on kayak and boat trips in the Estuary to see schools of mullet so plentiful that you can almost touch them. I have surfed on top of a school fleeing over a reef in the inner estuary. Several kayakers and friends have had a mullet land in their lap while paddling. We’ve experienced the sound, sight and spectacle of dolphins herding mullet and kahawai up on Karepiro Beach, with the fish in their thousands flapping on the sand, and the dolphins in so shallow they almost strand themselves. We have seen pods of dolphins twice in recent years swim and play up the Okura estuary on high tide, past the Okura Village, and return to the sea. Orca chasing rays in the outer estuary are also seen. Numerous times in recent years we’ve had to shut down the outboard as we are trailing blood at low tide as the narrow channel is so full of fish that they cannot clear the prop.
- 2.5 It is now common to have stingrays gliding past our kayaks and indeed while standing in the water having to push a toe against their wing to get them to give a little bit more room to me.
- 2.6 This summer for the second year running a highlight was our success in protecting the nesting habitat and helping threatened NZ native shore birds raise their chicks. I have watched a variable oystercatcher parent taking on a hawk in an avian dog fight to draw the hawk away from its young. I have seen New Zealand Dotterel parents dragging their “broken” wings along the beach leading walkers away who are too close to their chicks. When a safe distance is achieved, the miracle of nature, and the wing is fixed and off they soar back to their brood.

- 2.7 I'd like to share an excerpt from a published article about an experience my family had one night swimming in the Estuary, and of which I wrote for an edition of NZ Kayak magazine two years ago.

Lying on your back in the warm waters of our local estuary with the heavens twinkling overhead and the phosphorescence lighting up you and your kids' bodies, is a thing of magical wonder.

The recent late evening high tides have seen a plethora of people gathering at the water's edge and launching into this wonder land. Last night was one of the highest tides this year in the Waitemata at 3.6m and the moon was thankfully absent, making the ideal environment for a stunning show. The bow wave, wake and paddle splashes were augmented with the skipping fish fleeing our path, all leaving bright illuminated lines and illuminated pond ripples lighting the way into the darkness. These ripples then light up any flotsam they came into contact with, making a surreal light show on the water.

The night is not quiet as the kids and adults all excitedly explore this natural wonder. The shouts of, 'look at this' and, 'look at me, I am covered in stars', and 'here is a great patch', and the call of parents and kids checking on each other. My 11 year old yelling, 'watch me' as I toss her in the air or she dives off my shoulders, trying to make the best light show to amaze.

This excitement and enthusiasm all adds to the environment of amazement by all who dare to adventure into the adventure of night kayaking (and swimming). That so much is happening that is hidden in plain sight of us all and we just need a small spark of motivation and some training to venture out safely and to be absolutely stunned by the beauty of nature.

3 BACKGROUND

- 3.1 The Long Bay-Okura Great Park Society, with and as part of the Okura Environmental Group, in response to Okura Holdings Ltd's (OHL's) proposal for urban development at Okura, acted on behalf of concerned community citizens and groups to uphold the outcomes of the two previous Okura Environment Court cases, during the hearings on the Auckland Unitary Plan (AUP).
- 3.2 Prior to this, the Society (on behalf of over 60,000 supporters) successfully fought a landmark case in the Environment Court which resulted in the protection of the beautiful natural landscape of the Long Bay Regional Park. The proposed residential development was pushed back from the edge of the Park creating a substantial buffer zone between the Park and intensive housing. Rules were developed that

minimised damage to the adjacent Marine Reserve from stormwater run-off. The community raised over \$500,000 to fight this.

- 3.3 The members of the Okura Environmental Group have also been involved in earlier Environment Court cases which had prevented intensive residential development on the south-eastern edge of the Okura Estuary to protect the waters and landscape of the Estuary.

4 LONG BAY REGIONAL PARK

- 4.1 Long Bay Regional Park is the most popular of all of Auckland's regional parks. Close to Auckland's CBD, it is easily accessible and has over 1.2 million visitors each year.

- 4.2 The northern half of the park affords the public a remote rural 'get-away-from-it-all' experience, with spectacular views of the Hauraki Gulf, Okura estuary and Karepiro Bay. Specific rules governing the adjacent Long Bay development recognised the importance of this experience. They made provision that this remote rural feeling would be protected by not allowing dense urban housing to intrude into or be seen from the northern end of the park.

5 OKURA SCENIC BUSH RESERVE

- 5.1 The Okura Bush Reserve is a large stand of lush mature native forest with kauri and puriri over 500 years old. It is owned by the Department of Conservation having been established through the request of the local community when logging operations of the native trees was about to commence. It is one of the last remaining intact stands of coastal broadleaf and kauri forest in the Auckland East region. Many different species of birds live in the Reserve, including many native species, as well as a reported range of 'at risk' other native animal species such as three species of native lizards. The Reserve is a critical link as a dispersal pathway for plants and animals within the North-West Wild-link forest fragment linkage.

- 5.2 Over 70,000 visitors annually walk the Okura Bush Track which is part of Te Araroa Walkway. The site of the OHL proposal for urbanisation is clearly seen within a short distance across the water from numerous viewpoints on the walkway.

6 THE CLASSIFICATION OF THE OKURA AREA AND SURROUNDS, ZONING AND REZONING

- 6.1 The land on the south-eastern shores of the Okura Estuary is currently zoned to allow for minimum sized lots of four hectares (ten acres), as ruled by a 1996 Environment Court decision and confirmed by the Court in 2003. The primary reasons for this restriction included concerns about risks to the marine ecology of the Estuary, protection of the exceptional landscape of the area, and that this was a last opportunity for future generations of Aucklanders to experience an estuary in natural condition within close proximity to Auckland City.
- 6.2 The Environment Court has determined that the area is of such importance that it should not be developed less than the 4 ha lot sizes. The Court went as far as to nominate where buildings should be located on the 4 ha lots so that they caused the least impact. During the AUP hearings, these controls were lost 'by accident' it seems, and we believe they should be reinstated.
- 6.3 The current classifications of ONL and SEA on this area reflect its special and unique qualities as underpinned these Court decisions.
- 6.4 The Marine Reserve and the Bush Reserve are each classified at the highest level of Significant Ecological Area (Marine and Terrestrial respectively)
- 6.5 Coastal areas on the southern shores of the Okura Estuary are classified as Significant Ecological Areas – Terrestrial.
- 6.6 The Marine Reserve, Bush Reserve and most of the northern end of the Regional Park are classified as an Outstanding Natural Landscape (ONL), the highest classification of its kind.
- 6.7 Any urbanisation of the subject land is incompatible with the indisputably significant values, and the past Court decisions. Even 750 dwellings would irrevocably destroy the natural open aspect of the Estuary like a tear across a painting, but according to Council evidence we are aware of, the development could be closer to 2000 dwellings.
- 6.8 This expansion in possible dwelling numbers reflects the experience the community has seen of the Weiti Development, where huge community effort was put into stopping the urban development on the coast. During this battle in 2007, we were told that 150 was the maximum number of dwellings, only to find out within months the developer had gained another 400 to a total of 550, and we were later told that the total was

now up to 1200. The developer is now trying to secure the 1200 total and increase it to 1750 through a judicial review of the AUP Panel decision. We doubt this will be the last try at expansion.

- 6.9 Similarly, there is (we believe) nothing to say that OHL or another owner will not apply for a completely different development if the RUB is moved. In the past, on other local sites, we the submitters on the primary plan have been excluded by the Council not notifying applications to later change what has been approved with our long and hard-fought involvement.
- 6.10 In addition, to have past Environment Court rulings re litigated time and again is hugely demoralising to the public.

7 LONG BAY – OKURA MARINE RESERVE

- 7.1 The Long Bay-Okura Marine Reserve was established in 1995 in response to the wider community's desire to have the area protected in its natural state as a unique slice of the Hauraki Gulf.
- 7.2 The shores and waters of the Long Bay-Okura Marine Reserve are typical of those historically found in the relatively sheltered inner Hauraki Gulf. The reserve was established to protect the biodiversity and high-quality beach, rocky reef, estuaries, mangrove forests and salt marshes in the coastal areas at the mouth of the Long Bay and Okura catchments. The high diversity of coastal habitats includes the mobile exposed sandy beach of Long Bay and sheltered sand intertidal flats of Karepiro Bay, the rocky reefs off the two headlands at either end of Long Bay, and the saltmarshes, sandbars, sandflats and mudflats of the Okura River and estuary. The Marine Reserve is bordered to the north by the Bush Reserve of remnant mature native coastal forest, and to the south-east by Auckland's most frequented regional park, a park which offers the people of Auckland an accessible experience of remoteness from suburbia and spectacular views of the estuary and Hauraki Gulf. The reserve is about 20 km from the centre of Auckland, and easily accessible by both public or private transport. Nowhere else is there such a combination of such stunning features so close to a major city in New Zealand.
- 7.3 The waters of the estuary provide a nursery for the wider Hauraki Gulf, with frequent sightings of juvenile snapper, chasing and catching juvenile flounder through the shallows, and the waters of the estuary literally boil with fish. As noted earlier, it is very common to see them leaping out of the water or stingrays gliding along in the shallows. Orca,

dolphin and the occasional seal are also seen in the Marine Reserve and the Estuary.

- 7.4 The Estuary is home to a variety of at risk shore birds, like the shore plover, black billed gull and reef heron, as well as New Zealand dotterel. The waters and banks of the Estuary and bays in the Marine Reserve are rich feeding grounds for hundreds of migratory sea birds whose habitats are under pressure from urbanisation internationally.
- 7.5 The local bird population has been increasing with variable oystercatchers and NZ Dotterels successfully breeding on the Okura Sandspit for the last two seasons, and many other wading birds present including white faced herons, pied stilts, shore plover, spur-wing plover, royal spoon bills, knots, bar-tail godwits, with black-back gulls and red-billed gulls. These last two species have increased dramatically over the last few years.
- 7.6 Bird life is regenerating in the Okura Bush and the Okura Township with sightings of 20 plus kereru in one flock and large numbers of tui, wax eye and fantail. The current rural nature of the OHL land also supports grass roosting for many of these birds and coastal roosting and feeding grounds on the tidal flats. Twenty-two NZ dotterels have been sited roosting on the foreshore of OHL land.
- 7.7 The Long Bay – Okura Marine Reserve, marine, estuarine and terrestrial life is fighting back and winning with the help of the local community and Department of Conservation.

8 TE ARAROA WALKWAY OPTION FOR THE OKURA CROSSING

- 8.1 The segment of the walk from Stillwater to Okura is, from what we are told by walkers, one of the best parts of the Auckland walking experience. Its remote coastal and bush path with sea and rural views gives a break from miles of urban walking.
- 8.2 The walkway from Stillwater to Dacre Cottage is a pretty walk along the foreshore track and coastal beach achievable at anything outside two hours of high tide, or through mature native cliff top forest for the last part at high tide.
- 8.3 From Dacre along Karepiro Beach a sense of loss now pervades as the walkers often comment on the earth works and future housing coming to this area.

- 8.4 Travelling up the 100 stairs to the pa site at Dacre Point and along the ridge is now heavily impacted to the north west by the Weiti Development, with clear views of many houses to come within a 100 or so metres of the track. The view out to the south and east is of the Okura estuary and then to the northern Long Bay Regional Park and (sweeping around to the south and south west) views of the OHL Land in question in rural blocks. Further in the distance the Okura Township is all most invisible, buried in mature trees. As you continue along this walkway glimpses of these views continue down to the water's edge and along to the Sand spit opposite the end of Okura River Road.
- 8.5 This is the local preferred crossing point as it is ankle deep at low tide and crossable at two hours before and after low tide. It is well marked with a pole to cross by. Many walkers are transported by locals and there is a possible commercial option at this point to make crossing at all tides possible.
- 8.6 From Okura the walkers can walk up Okura River Road with sweeping sea and rural views and then to East Coast Road and on to Long Bay and so on. There will be soon the ability to turn left off Okura River Road and travel down Vaughans Road. This continues the stunning views of the Hauraki Gulf and rural land to the north and the wider Haruaki Gulf to the East and South East. The tracks will then join back into the Long Bay Regional Park, when the newly completed northern access to the park opens.
- 8.7 This option adds to the excellent walking rural natural views tracks that brings overseas people to do this walk. Some pathways exist on this route and further path development in this area would improve the walk, while not negatively impacting on the existing trails.
- 8.8 The alternative on offer from OHL is to add an esplanade reserve walk along the coast of the Okura Estuary from the end of the Regional park towards Okura Township. It would finish in a creek to the east of the township that is impossible to wade through. Further bridging of streams and estuary through the Marine Reserve and access over private land to join the track up to the end of the Okura Bush walkway would be required, which locals believe is improbable and a pipe dream. This 'OHL' option would remove the coastal wilderness and rural walking experience from all existing options the walkers currently enjoy, and replace it with an urban coastal walking experience, reducing the values of this wilderness trail currently so uncommon while walking the Auckland part of the Te Araroa walkway.

9 PLANNING AND LANDSCAPE

- 9.1 The development area in question is visible from all the major currently enjoyed reserves and hence if the current 29 houses allowed are expanded to 750-1000 (or more) through OHL's proposed rezoning, the impacts on the existing and future visitors to the northern Long Bay Regional Park, the Long Bay Okura Marine Reserve, the Okura Estuary and Karepiro Bay, and the tens of thousands of walkers in the DOC Okura Bush walkway, will be significantly adversely impacted by the views and sounds that the planned development will bring.
- 9.2 29 houses on four-hectare blocks verses 750 to 1000 houses of the type of development that has been built in Long Bay (high density urbanisation surrounded by minute lawns and low shrubs), will have a significant negative impact on the experience of existing and future visitors to the area's parks and reserves.
- 9.3 The potential open space land that will ring the development will bring little or no relief to this in my view and will instead offer more urban walkway (of which there is plenty) at the expense of rural coastal wilderness walkway (of which there is next to none left in the Auckland area) and none left of such outstanding natural character as Okura.
- 9.4 There is now no shortage of appropriate development land with West Auckland, Hobsonville, Whenuapai, Albany, Dairy Flat, Silverdale, Orewa, Wainui all designated for substantial urbanisation. There is no doubt that with urbanisation of this magnitude will come people, and people want coastal experiences. The Long Bay Regional Park has been reported as having 50% of its visitors coming from South Auckland and with the predicted increase in population in Auckland, as accommodated by these other areas, the numbers of park users will also grow. This makes it more than likely that, the Okura Estuary and its environs will become an increasingly important part of the 'escape valve' for residents.
- 9.5 OHL has publicly stated that it will sell off the four-hectare blocks if the appeal is rejected. In my opinion, as these sites are built on, they will also be planted, expanding the vegetated character of this area. This is demonstrated by the current Countryside living blocks that are seen in the Okura Catchment.
- 9.6 It is expected that livestock numbers will decrease as individual titles are secured, reducing the currently poor grazing practices that see cattle grazing in streams.

- 9.7 If the Court can imagine what the urban landscape in the East Coast Bays, Albany and South Rodney will be like in one hundred years, and imagine the visitor numbers to this unique area held in its current zoning, this setting can be seen as emerging as the most amazing treasure appreciated by locals and Auckland wide visitors, along with Kiwi and overseas tourists.

10 RECREATION

- 10.1 Recreation is an essential part of human life. Public space such as parks and beaches are essential venues for many recreational activities.
- 10.2 The Okura estuary and its surrounds are currently used by walkers and horse riders especially at low tides. On high tides small boat owners, kayakers, and stand up paddle boarders use the Estuary. Snorkelling is becoming a great past time as the marine life in the Marine Reserve is regenerating.
- 10.3 Many tramping clubs, schools, universities, commercial groups, families, informal groups, tourists, Duke of Edinburgh participants, William Pike Challenge classes and bird watchers etc use the area.
- 10.4 Dog walking has largely been curtailed as a recreational activity through the efforts of locals educating owners as to the harm dogs have on nesting wading birds. This along with roped off areas and trapping of pests has seen (for the first time in our memory) the survival and increase in numbers of NZ dotterel and Variable Oystercatcher young over the last two seasons.
- 10.5 Long Bay Regional Park has over 1.2 million visitors a year. Events at the Park include orienteering, cross country runs and other athletic events. Walking, picnicking and cycling in the northern half of the Park are growing activities as public awareness increases, and with the new road access to the park from Vaughans Road, we expect the visitors to increase rapidly. The views from the ridge of the northern end on the Regional Park are magnificent.
- 10.6 The DOC administered Okura Bush Walkway has grown from 8,000 walkers per year to reportedly (DOC) to 70,000 in just 5 years.
- 10.7 The Estuary and Karepiro Bay is part of the proposed Coastal Sea Kayak Journey to connect the coastal route from Leigh to the Auckland, and then the existing kayak trail to Thames.

- 10.8 The area sees walkers, runners and running races, Dacre Cottage community events, tree plantings, pest and weed control volunteer working groups, all using recreational time to enjoy and enhance the natural environment of the area.
- 10.9 Te Araroa walkers and other visitors currently tell us of the value of this area and their amazement that the development of the Weiti land behind Dacre Cottage can be allowed in a modern society. When told of the planned OHL development are dismayed that this can even be considered. They say they have too much urban walking compared to bush, and not enough bush coastal walking in the North Island already. These overseas visitors say they do not come to NZ to walk “urban streets”.
- 10.10 Many of the above groups choose to come to the Okura and northern Long Bay area because of its remoteness, and ‘get away from the city’ feel. It is the only Regional Park in the Auckland area which offers this ‘wilderness’ space, yet is so easily accessible to all Aucklanders by way of frequent public transport. It hosts more visitors than any other Regional Park.

11 POTENTIAL NEGATIVE IMPACTS IF THE PROPOSED DEVELOPMENT PROCEEDS - SEDIMENTATION

- 11.1 I have been vocal with DOC and the Council regarding the issues of pollution in the area for years with little result. Consequently, KOG initiated an environmental monitoring programme in 2016 to get to bottom of the issues that we and many in the public have been complaining about. This programme focused on two catchments, the Weiti Development catchment that discharges through two streams that enter the Marine Reserve at Karepiro Bay, and the Okura Estuary’s southern valleys, owned by OHL (which are currently before the Court)
- 11.2 The results of the two studies are attached as Appendix 1 and Appendix 2, and show the results of current “Best Practice” by developers and the outcomes of the Auckland Council process of Consenting, Monitoring and Enforcement.
- 11.3 The current sediment control processes both from developers and Council leaves no doubt, in our minds, that if this zoning is changed and the development granted consent, there will be serious adverse impacts on the Long Bay Okura Marine Reserve and Hauraki Gulf Marine Park.
- 11.4 Approval of this plan will add to existing pressures this area is currently being exposed to through a lack of an ‘Integrated catchment

management plan' and poor existing controls on commercial and building developments, as shown through continuous sediment blooms in recent times.

- 11.5 This precious area has the highest legal levels of protection possible by the Marine Reserves Act, the New Zealand Coastal Policy Statement, the Hauraki Gulf Marine Park Act, and its recognition as an Outstanding Natural Landscape (ONL) and a Significant Ecological Area -Marine 1 but is currently been given none of the protection these classifications demand.
- 11.6 I have included the summaries from both case studies in this evidence (below). I would also like to show the Court a video of the level of Council "approved" degradation being suffered by the area as these will show the Court better than any words can.
- 11.7 It is my opinion that the current system of sediment controls is not capable, based on these observations, of protecting this sensitive receiving environment. Developers report their pedigree in controlling sediment through their sediment controls, and monitor these in percentage of sediment retained on site, but do not talk about the sediment weights (tonnages) released. It appears most sites inspect the sediment retention ponds outputs, not the lowest point where the site activity discharges.
- 11.8 The Long Bay development has been frustrating locals for years with sediment plumes on many wet days. The catchment for Long Bay is now owned by many landowners and it was impossible for us to isolate Todd's input, with lack of access to its site.
- 11.9 When OHL started developing the road in to the Okura Block (the land they wish to urbanise to the Okura Estuary), we started a monitoring programme. Advice was sought from an aquatic ecologist, and surface water samples were then collected on many wet days, and sent to an independent laboratory for analysis. The results showed heavy sediment loadings entering the Marine Reserve. The data were given to Auckland Council. As a result, the Council inspected the site, but the high sediment loading in the streams continued. Sampling over the course of the year showed that sediment loadings from the OHL site continued to be high and exceeded our National criteria for protection of aquatic ecosystems on every sampling occasion (refer the attached memo: Barnett, 2017).

- 11.10 Because of the high ongoing sediment weights, we made enquiries into this developer's record of compliance in the adjacent Long Bay development. We asked for, and received from Auckland Council, site inspections from the start of the Long Bay Development. To our surprise and concern the inspections show that the developer has failed to comply with over 80% of their site inspections.
- 11.11 Many of these non-compliant results are classed as "minor". Auckland Council issues resource consents with unlimited discharge weights (in tonnages) and none of the site inspections to our knowledge have supporting sediment load testing (we have requested any data that exists). These site inspections criteria are used region wide and take no note of the sensitivity of this receiving environment. The video and sampling data shows that 'minor' is actually massively understating the sediment pollution being released.
- 11.12 Case Study: The Weiti Development

Executive Summary

*The Weiti Development impacts on the Long-Bay Okura Marine Reserve. The development has been and currently is discharging sediment into the Karepiro Stream and tributaries that flow to Karepiro Bay in the Marine Reserve. The sediment discharges are visible on Google Earth and suspended solids and turbidity monitoring of the streams as they enter the marine reserve by a local environment group has shown sustained high levels of total suspended solids and turbidity concentrations that exceed the New Zealand guidelines for the protection of aquatic ecosystems. 62 water samples were collected over an 11-month period and **all** the samples exceeded the criteria for protection of aquatic ecosystems. Although there are no national guidelines for suspended sediment, the concentrations exceeded the maximum recorded in the Auckland Council Environmental Monitoring of Streams in the Auckland area more than half the time, and exceed the average every time.*

The consents that have been supplied to us for this site have no criteria for total suspended solids, turbidity or for discharge weights of sediment to the Marine Reserve receiving environment.

Deposition of sediment in the intertidal of the Marine Reserve has been observed on numerous occasions, at times forming a layer more than 10mm thick over the sand beach.

In late April 2017, after sustained efforts to prevent the continuation of the discharges of high sediment loads to the streams and Marine Reserve, and after suspended solids loading of 490 g/m³ were recorded, the developer filled in (reclaimed) approximately 75 metres of the central stream, smothering the salt marsh and blocking flow from the stream. No sediment control methods were employed and earth was just pushed into the intertidal stream. Fish barriers were not placed above and below the works area and no native fish recovery and relocation was undertaken. The stream flow from the upper catchment has subsequently mixed with uncontrolled sediment discharges from the site and has ponded behind the beach effectively forming a massive sediment

retention pond; smothering salt marsh, freshwater stream habitats, blocking fish passage, flooding archaeological sites and destroying wetland habitats. These are all serious adverse effects and many will have long term residual adverse effect on the environment.

A high tide wading bird roost at the mouth of the central stream is dependent upon the flow from the stream and is now under threat. The loss of this roost, clearly identified of significant concern ten years ago, will have a significant adverse effect on the use of this area by wading birds.

11.13 Case Study: Sediment Releases from a roading development into the Okura Estuary

Executive Summary

The Okura Holding Ltd land (OHL) owned by Todd properties is 26- four hectare blocks situated on the Southern hills of the Okura Estuary, its streams discharge into the Long Bay - Okura Marine Reserve in the Okura Estuary. During the summer of 2015-2016 the land owner developed a small road on approximately two hectares to access the eastern portion of their land and to provide the access to the Northern part of the Long Bay Regional Park. The development reclaimed the head waters of a small stream and was finished earth moving by the end of the earth moving season.

The development was observed discharging plumes of sediment loaded water in late May - early June 2016. On consultation with a Marine Ecologist it was decided that a monitoring regime should be set in place to ascertain what was happening and to give more evidence to support our complaints to Council and to get it fixed.

*The site is visible on Google Earth and shows the infilling of the stream head with no sediment controls in place apart from a small pond half way down the valley and above the infilled stream head. Google Earth also shows the erosion in the fill area. The suspended solids and turbidity monitoring of the stream as it entered the Marine Reserve has shown sustained high levels of total suspended solids and turbidity concentrations that exceed the New Zealand guidelines for the protection of aquatic ecosystems. Thirty-two water samples were collected over an 11-month period and **all** the samples exceeded the criteria for protection of aquatic ecosystems. Although there are no national guidelines for suspended sediment the concentrations exceeded the maximum recorded in the Auckland Council Environmental Monitoring of Streams in the Auckland area more than 80% of the time, and exceed the average every time.*

Todd Properties have an 80% plus non-compliance record of Council sediment controls Site Inspections in the Long Bay-Okura area.

One rain event has reportedly released 52 tonnes of sediment Long Bay Marine Reserve.

This case study concludes that there is no doubt that current 'Best Practice' including consenting, monitoring and enforcement by Council and the Department of Conservation is incapable of protecting the Marine Reserve from development related sediment discharges.

12 FURTHER IMPACTS OF THE PROPOSED DEVELOPMENT

- 12.1 Moving the RUB to allow the Proposed development will have the following impacts:
- 12.2 A significant impact on the enjoyment of existing visitors to the area by removing a rural backdrop to most views from all adjacent parks and reserves.
- 12.3 Houses would abut the northern end of the Park, spoiling the rural and remote ambience of the northern end of the Park. What was an easily-accessible, yet tranquil spot with stunning views would be diminished by dense urban housing, thus counteracting the intent of the Long Bay rules protecting the visual amenity of the Park.
- 12.4 The rural, remote experience for those walking the Okura Bush Track and walking, riding horses and boating in the Okura estuary would be greatly diminished. It would no longer feel as though one were in a rural bush setting, with the richness that Okura Bush currently provides, but instead like recreating in a regular city park bordered by housing.
- 12.5 The educational and recreational opportunities for future generations of Aucklanders and tourists to experience an estuary in natural condition near the city would be removed.
- 12.6 There would be a high risk, even certainty, of sediment and an accumulation of heavy metals in storm water run-off polluting the Estuary and permanently harming the marine biota.
- 12.7 The rich birdlife would be detrimentally affected by the potential loss of their feeding grounds and by human activities, and pets and pests would destroy roosting and nesting habitats in and around the Estuary.
- 12.8 The uncontrolled increase in the number of cats and dogs would be potentially devastating to the Marine Reserve bird life, both in terms of mortality, stress while feeding and loss of breeding habitat.
- 12.9 The addition to the existing water quality issues that is currently poorly managed would accelerate the changing of the remaining sand flats into mud flats, and the increasing spread of mangroves reducing bird feeding areas.
- 12.10 The rural landscape of the area would be drastically changed to one of an intensive urban-scape.

- 12.11 The impact of high visitor numbers to the coastal land in front of OHL land that would impact on NZ Dotterel and Variable Oyster Catcher roosting areas and feeding areas.
- 12.12 Much of the “park space” offered by this developer will be unusable by the public as it will be made up of storm water ponds. It will create a city scape park of paths with grass and small shrub planting which in no way will disguise the development from existing parks and reserves, or compensate for the loss of value that rural and wilderness views currently add to the existing users of the parks and reserves.
- 12.13 Noise and light pollution from the development will impact every activity in the areas existing parks and reserves. The tranquil nature of the area is one of its most appealing attributes and allows the visitor to revel in a release from the hustle and bustle of urban and city life.
- 12.14 Increased rubbish through the building construction phase and beyond into the inhabitation of the housing will be a constant issue.
- 12.15 The current zoning of 4 ha minimum lot sizes would have a far less radical impact on the landscape than the intensive housing proposed, and may in fact enhance it as large areas will inevitably be planted in trees.

13 CONCLUSION

- 13.1 I have spent all my life in the Okura area, with the last 30 years on the water of the Estuary many times a week. I have seen the Estuary at its best, 40 plus years ago, and at its worst, 20 years ago, and now have seen it start to come back to its former glory, until development came two years ago.
- 13.2 On behalf of KOG I have, with the help of specialists, spent over a year monitoring the discharges from the current development sites, often boating in the middle of the night in storms to get the samples and video to show what is really happening. This has been a full-time volunteer job.
- 13.3 I have seen over the last two years the immense sediment pollution from these and other developments.
- 13.4 The two case studies were chosen as they are unique, as their entire catchments are controlled by the developers.

- 13.5 Council's current controls and developers' "best practice" are incapable of protecting the Marine Reserve from continuous sediment pollution, to the extent required by the Marine Reserves Act.
- 13.6 The area is occupied by endangered, reproducing wading bird species and it is one of very few places they have left that is free of urban impact. The planned development will have considerable impact on their chances of thriving or just holding the current population.
- 13.7 If this development is approved there will be a substantial reduction in the natural beauty and tranquil nature of the Estuary. This will diminish the experience drastically (in my opinion) for all future visitors to the Long Bay - Okura Marine Reserve, the northern Regional Park and the Okura Bush Walkway. The area will go from the last of its type left in Auckland to one of the many urban city parks and reserves.
- 13.8 The local communities have fought for the holding of the Rural Urban Boundary and are frustrated that we see ourselves here again doing a job that we thought had been completed already. This planned development goes against the will of the people as evidenced by the elected members of the Council voting almost unanimously to hold the RUB just last year.
- 13.9 This area is unique, irreplaceable and deserves to be protected for the wildlife and the future residents of New Zealand and Auckland.
- 13.10 To protect this, the RUB must stay at the current location. To allow it to be moved to the edge of the Marine Reserve, will allow the whole Okura Catchment to eventually be urbanised, and with the fast growth of the city we desperately need to keep green open spaces for the natural environment to flourish, and the future enjoyment and health of all.

Peter Townend

28 July 2017