

Witness Statement

Margaret Burbank, in opposition to FNHL's Submission #320 to the Far North District's Proposed District Plan 2022

Specifically, opposition to most of the numerous changes they have requested including:

- Those provisions of the Mixed Use Zone and Coastal Environment identified in their Attachment 1
- Inclusion of the substance of the proposed Bay of Islands Marina Development Area overlay

Reasons for Opposing

Public and Iwi Consultation

There has been no consultation before or since 2022 with local iwi or residents of Opuia about this proposal for the Bay of Islands (Opuia) Marina and nearby Council lands. I have to wonder if the Opuia Store owners have been consulted? The other businesses, especially all the marine related businesses, that occupy land in the marina? Opuia Primary School? Residents adjoining and overlooking the marina? Businesses currently occupying the Opuia Commercial Estate? Yet FNHL commissioned consultants to prepare a comprehensive and detailed development proposal for all public lands within the vicinity of the marina, including a wetland, albeit degraded but still functional.

Further, they have already initiated activities toward achieving their objectives for the Bay of Islands (Opuia) Marina Development Area such as reducing flow and exchange of water in and out of the wetland by installing a new flood gate (without a consent or local iwi/public consultation); obtaining a non-notified resource consent to place fill in the wetland area; obtaining a resource consent for development of the Historic Railroad Terminal on Colenso Triangle without notification or local iwi/public consultation. (And erroneously stating the consent also includes an oyster marine landing facility which was rejected by the Environment Court as a result of hearings in 2017.) This is a piecemeal approach toward achieving a major development project which I believe is illegal under the Resource Management Act.

FNHL says they will consult the public after the PDP is adopted including their requested changes, of course. If the council accepts the proposed changes requested by FNHL they would potentially become permitted activities. What consenting process would be required? What consultation with local iwi and the public is likely to happen? And if it does, what will people be able to comment on since FNHL has already designed the project? Maybe choose the colours for the buildings? What FNHL is proposing would more appropriately be put forward in a separate notified process as a Specific Plan or Plan Amendment. Not by placing precise requirements for their project, like building heights, sprinkled throughout the District Plan.

Marine Business Park (so called)

This area was a wetland, and still is, in part. Because there has not been a public process to agree on what areas should be included in the BOI Marina Development Area, there has not been an opportunity to question the wetland's inclusion. It is the only area within the BOIMDA that is in a natural state. Since the phasing for the proposed project doesn't include precise times, it could be years, perhaps decades, before that land would be needed. But the FNHL submission's support materials indicate it would be one of the first areas to be developed, rather than the existing Commercial Estate which already contains light industrial uses. Perhaps the reason for the current flow restriction and fill activity in the wetland area?

There are other policies both in the RMA and Far North District Plan that have not been considered as relevant to the proposal, but they suggest that there are other priorities for wetland areas that should be but haven't been considered or evaluated. For example, in the PDP Coastal Environment section:

Objectives

CE-O1 The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.

CE-O2 Land use and subdivision in the coastal environment:

- d. Promotes restoration and enhancement of the natural character...

Policies

CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:

- a. Natural outstanding character

These objectives and policy promote the retention, protection and restoration of natural features. Increasingly in recent years, scientist have urged the maintenance and use of wetlands for flood attenuation, for improving water quality and critical habitat for threatened species of birds and fish. The submission does not state if the proposed development was evaluated against these and other similar objectives and policies. Nor are any alternatives to destroying the wetland offered, or compensation for use of the Opuia wetland for the Marine Business Park by setting aside and permanently protecting another wetland area as a wildlife reserve.

The creation of the Bay of Islands Marina Development Area in itself is not a concern. Rather it is the process by which it has been put forward in minute detail as an amendment to the Proposed District Plan without any local iwi or public review and contribution. Inclusion of this BOIMDA project in a proposed plan process is not

appropriate. The BOIMDA is a big and complicated project and deserves a separate review and approval process, as a proposed Specific Plan or Plan Amendment. That would allow legitimate involvement of iwi and the public and the airing of alternative provisions and solutions. That would more likely also ensure greater buy-in by local iwi, residents and businesses as well as comply with the RMA and district plan procedures.