

## Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

### Submitter Details:

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I **OPPOSE** the application of:

Applicant's Name:	Onumai Enterprises Limited
And/or Organisation:	
Application Number:	RM22.550
Location:	Common Marine and Coastal Area adjacent to 21 Marine Parade, Taieri Mouth
Purpose:	Residential, recreational, commercial, and emergency use activities

### The specific parts of the application/s that my submission relates to are:

- The exclusive occupation of the common marine and coastal area for residential purposes.
- The precedent that could be set in approving this proposal to occupy the common marine and coastal area for residential purposes, and then the cumulative effects if other similar activities are subsequently permitted within in the common marine and coastal area at the Taieri Mouth wharf.
- The restriction of public access to common marine and coastal area, either through physically preventing access or by creating the perception of private property ownership of the common marine and coastal area.
- The size of the structure and the area of common marine and coastal area which is proposed to be exclusively occupied - 82m<sup>2</sup> footprint and 5.9m high structure.
- The effects on the character of the area

### My submission is:

I live on Riverside Road in Taieri Mouth, within a stone's throw of the wharf. I walk past it most days, heading to the beach to get some fresh air and exercise.

I have found it quite a difficult task to review the proposal and write this submission. I hope that it is structured well enough for you to understand my thoughts on the matter, but apologise if, like the Taieri Mouth wharf, it is a bit rambling and untidy.

At times when I refer to “the wharf” I mean the whole wharf area located along Marine Parade in Taieri Mouth. I’ll use “Onumai wharf” when referring to the proposal.

I oppose the proposal for the following reasons.

**My experience of the wharf:**

1. The wharf at Taieri Mouth is an iconic part of our seaside fishing settlement and crib community. It's a bit higgledy-piggledy, it could even be described as ramshackle, but it serves its purpose and doesn't out-shine the river. It would be considered out-of-place in Wanaka or Waiheke Island. It is classic "Taieri Mouth".

People can sit on the wharf, watch the boats, the white baiters, people fishing and take it all in. There are fabulous views of Moturata and the wide expanse of the Taieri River mouth with its infamous bar or sand spit.



Fishing from the wharf at Taieri Mouth. On today's ride, you will pass the wharf before crossing the Taieri River bridge in the background. Photo by Emma Ramsay Brown.

*Photo from Otago Daily Times 30 June 2009 (story about cycling through Taieri Mouth).*

As well as recreational boats, the wharf is a working environment, used by commercial fishing businesses. These guys haven't been so visible over the past 18 months or so, as the Taieri River has been running out to the south side, making crossing the bar challenging. The boat activity has therefore been somewhat less than usual. However, this will change sure enough, the river being dynamic and having a personality of its own, and the commercial and recreational fishing activity will pick up again.

At low tide, you can see wading birds feeding in the shallows by the boatsheds - herons and spoonbills, oystercatchers and pied stilts. Kingfishers sit on the wires above waiting for a mudcrab to poke its head out. And you'll find red billed gulls, black backed gulls, and shags hanging out on the wharf posts.

The wharf is a place where generations of Taieri Mouth kids have learned to fish and where they feel safe to go fishing on their own as teenagers. It was not that long ago that most of the wharves at Taieri Mouth were freely accessible to the public and you wouldn't have felt that you needed to ask permission to explore them or to go fishing.

**My understanding of the proposal:**

2. The proposal, as I understand it, is to occupy an 82m<sup>2</sup> footprint of the common marine and coastal area with a 5.9m high building that has a glass front. It will be used primarily for residential purposes and visitor accommodation.

It is also proposed to construct a wharf and pontoon to provide wheelchair access and all-tide access to smaller boats on the water eg kayaks. This appears to have already been constructed and is in-situ.

Ancillary to this, the application states that the building and Onumai wharf may be used by emergency services, for regulatory activities (eg. by MPI) and for sporting events (eg. rowing, multisport events), and cites the supposed community benefit the proposal will bring.

The range of ancillary activities that the applicant is suggesting they will support with this proposal, are one-off, occasional and/or unknown events - eg emergencies, the once-a-year visit from MPI, and the once-a-year sporting event which has been taking place for some time now. These events are either hypotheticals or, on the whole can and are already supported by the current infrastructure in Taieri Mouth.

As far as I am aware, there has been no prior community-wide consultation or engagement identifying a community need for the facilities that have been proposed. I am not aware of any of the parties that have written letters of support having previously engaged with the Taieri Mouth community about the need to develop facilities on the wharf. Neither has there been community engagement specifically about changing the use of the Taieri Mouth wharf area.

I was disappointed with the support for the proposal from MPI, the Harbour Master, Taieri College and Parafed. It's clear that the communities these groups support would benefit from aspects of the proposal, or that the work environment of the regulatory agencies or emergency services would be more pleasant, but it is also very clear that the proposed building design is not for the purposes that they would benefit from. I really don't think the harbour master could have read the application properly when describing it as merely "*an upgrade to the current situation*" in the letter of support.

It is my opinion that the primary intended purpose of the proposal is for rental accommodation, and these ancillary what-if situations are intended to bolster the application.

**Common marine and coastal area:**

3. The proposed structure is located in the common marine and coastal area. This area has a special status protected by the Marine and Coastal Area (Takutai Moana) Act 2011, which "*acknowledges the importance of the marine and coastal area to all New Zealanders and the customary interests of iwi, hapū, and whānau in that area*".

The Act sets out the legal arrangements that are to apply to the common marine and coastal area, including,—

- the special status of the common marine and coastal area as an area that is incapable of ownership (Section 11(2))

- the provision for ongoing public rights and powers in the common marine and coastal area (Section 26(1))
- that structures within common marine and coastal area are not regarded as an interest in land or form part of the common marine and coastal area (Section 18(10 and (2)).

With particular relevance to this proposal, the provision on rights of access (Section 26) confers on the public the following rights:

- (a) to enter, stay in or on, and leave the common marine and coastal area:
- (b) to pass and repass in, on, over, and across the common marine and coastal area:
- (c) to engage in recreational activities in or on the common marine and coastal area.

The common marine and coastal area is therefore a public space that the public should have a reasonable expectation of freely using and accessing.

4. I am opposed to the proposal mainly because if consented to it will remove a public right, that is one of public access to the common marine and coastal area, for the applicant to create a private property right for themselves, that is their own part-time residence and rental visitor accommodation. Even though the application notes that the building will only be occupied for short periods of time, the building itself will permanently occupy the common marine and coastal area to the exclusion of the public.

5. There has been inadequate consideration of whether the proposed overnight accommodation could be located elsewhere ie on land. There are land-based alternatives available, and the applicant does not need to occupy the common marine and coastal area.

6. The design of the proposed structure, a private residence with a glass front and a lockable gate which serves as the entrance to the Onumai wharf will create a perceived property right over the common area inhibiting the public access. Should the public even be able to access the Onumai wharf (as they are legally entitled to do so) they will feel like they are intruding into a private space if they can see people inside the building (perhaps walking around in their pj's drinking their morning coffee).

7. The footprint of the building and other structures is large. The building occupies a significant proportion of the common marine and coastal area to the exclusion of the public. Although I do not have issue with the wharf and pontoon, these also occupy a significant proportion of the available space. It looks challenging for the adjoining permit holder to be able to navigate their own vessel in and out past the pontoon.

8. There are 11 current permits to occupy the common marine and coastal area at Taieri Mouth adjacent to Marine Parade. Most of these permits are no longer held by commercial fishing interests although the associated structures continue to still be used for commercial fishing.

Most of them now have either locked gates, or the wharves have been modified so that the entrances are through the locked containers preventing access. This creates a perceived property right and many in the community now do not realise that they have a right of public access to the wharves. At the time of writing this submission, the access to the existing Onumai wharf and pontoon is blocked by a padlocked gate.

**Precedent:**

9. Quite a few sheds and wharves along Marine Parade have recently changed hands. This recent interest in owning a wharf for non-commercial fishing purposes is very relevant. If the proposal submitted by Onumai Enterprises is consented to, then a precedent will be set. This will enable the

other wharves along Marine Parade to also be developed for residential or visitor accommodation. With so many of the wharves held now by people who do not have an interest in commercial fishing then this is very possible, if not highly likely.

Consenting to the proposed activity therefore has the potential to significantly change the whole use and character of this part of Taieri Mouth, with the potential result that the wharf area could become a row of boutique waterside Airbnb's.

The effects of any potential change to the entire wharf area and the community needs to be properly considered and it is only right that the Taieri Mouth community, mana whenua and other stakeholders can have their voices heard.

**Character and other effects:**

10. The size of the building, both the footprint and height, is out of character with the other structures in the area and will stand out.

11. The proposal will result in a significant change to the existing character of the wharf. This will be even more significant if other shed owners decide they wish to develop their structures too.

12. There has been no consideration of the natural character and the effects on wildlife. Although this is likely to be only minimal when considering just this proposal on its own, if the proposal is approved and sets a precedent, and other similar activities are permitted, this could be more significant and requires consideration.



Lindsay Crooks; "Blue" wharf, at Taieri Mouth (source [flickr](#))

13. There has been inadequate consideration of light pollution. The light from the structure which has a glass front will be highly visible when occupied at night and will glow. There has been a recent local community interest in establishing Taieri Mouth as a dark-skies community. I regularly hear titi/shearwaters overflying at night during the summer. They breed on Moturata and can get confused by the bright lights of the Taieri Mouth bridge, overflying the island and failing to return to their burrows. Although there's a long way to go with the dark-skies community concept, this proposal, if consented, would be a step in the wrong direction.

14. I don't believe the application addressed the viewpoint from the Lookout, Knarston Park and the spit/beach. There is a clear line of sight from these recreational areas to the wharf.

15. I live very close to the wharf, and although my own property doesn't look onto it, nearly every day I walk past it on my way to the beach. I love the character of Taieri Mouth, and the wharf area is an integral part of it. In my opinion, the proposal from Onumai Enterprises mischaracterises this area, underplaying aspects of its current use.

**Process for considering the future of the Taieri Mouth coastal development area:**

16. I do agree that if the wharf area is to be maintained there needs to be motivation for its upkeep. There is the potential for a more diverse range of commercial, recreational and community activities to be permitted in the Taieri Mouth coastal development area and this could motivate current permit holders to maintain and enhance the structures whilst also enhancing the public access and creating benefit for the community.

But the discussion and decisions about diversifying the permitted activities and structures in the Taieri Mouth coastal development area should take place in a way that addresses the whole area, considers the effects on the environment and the character of the area fully, and genuinely allows for community, iwi and stakeholder engagement.

**Permits:**

17. In outlining the proposal the applicant notes (in section 1.2.2) that *"Fishing is generally no longer viable in this location so the current permits are no longer aligned with the current function of the wharves, which is essentially a mooring and base for recreation activities and search and rescue operations. The applicants are proposing to restore and upgrade their wharf and align the coastal permit with uses more suitable to the current economic direction of Taieri Mouth, being a recreation and holiday base."*

The current permit that was transferred to Onumai Enterprises is:

*"to occupy the coastal marine area with a wharf, storage shed and 2 cool store sheds for the purpose of using the wharf for mooring and loading/unloading a commercial vessel, and the sheds for storage of fishing and boating equipment."*

If the Onumai Enterprises containers and wharf were never intended to be used for the permitted purpose, that is for a commercial fishing operation, I question whether the ORC should have on-transferred the permit. This creates a perception of a transferable property right in the space (the common coastal marine area), rather than having the right to occupy the space for a specified permitted purpose.

18. Thank you for reading my submission.

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I seek the following decision from the consent authority:

**Decline** the proposal as it stands, in particular:

- **Decline the permit to occupy the Common Marine and Coastal Area for residential purposes**
  - This is not a suitable activity in the Common Marine and Coastal Area at Taieri Mouth
  - This would give Onumai Enterprises a private property right to the Common Marine and Coastal Area at Taieri Mouth
  - Sets a precedent for the use of the wharf area on Marine Parade in Taieri Mouth

- **Decline the building design** as it is clearly designed as a residential unit and therefore not compatible with the use of the Common Marine and Coastal Area. Aside from use, I would also seek the following which relates to aspects of building design.
  - Reduce the footprint of the building, so it doesn't occupy so much of the common area.
  - Reduce the height of the building so it is more in character with the area.
  - Remove the gate from the design so that the public cannot be locked out of the common area.
  - Reduce the glass frontage of the building, so that the public do not feel they are intruding into private space.

**I do not oppose:**

- Permitting the occupation of the Common Marine and Coastal Area for recreational, commercial and/or emergency uses
- The pontoon and lowered wharf structures that provide access to smaller boats/craft.
- Wheelchair friendly access and crane lift.

**I also would like the Otago Regional Council to:**

- Explore diversification of permitted activities in the Taieri Mouth coastal development area through a change to the Otago Coast Plan, or other suitable regional planning review process which enables a more thorough community engagement process than this single public notified resource consent process.
- Consider how they on-transfer permits to occupy the Common Marine and Coastal Area for a particular purpose even though the owners do not intend to use the Common Marine and Coastal Area for that permitted purpose, and whether the ORC is therefore creating a perception of property ownership that cannot exist by law.

I/we:

- ~~Wish to be heard in support of our/my submission~~
- Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
- ~~No~~

I, ~~am~~/**am not** (choose one) a trade competitor\* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*\*If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do/do not** request\* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I'm not sure I fully understand this, but if it means that someone from outside the region is involved in the consideration of the proposal, then I do think in this case that it might be appropriate. The proposal has implications for the use of CMA in other regions.

I **have/have not** served a copy of my submission on the applicant.

<b>Signature/s of submitter/s</b>	
	13 Sep 2023

### **Notes to the submitter**

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

**Privacy:** Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process



If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

**Otago Regional Council, Private Bag 1954, Dunedin, 9054**

or by email to [submissions@orc.govt.nz](mailto:submissions@orc.govt.nz)