

where these resources were defended and won by the community in 1993

when the marina plan was

withdrawn  
in the face  
of overwhelming  
opposition

1

two plans

Oral5, 18d

17 May 2018

zero minus 1 day, Wed. late edit.

Thankyou...Chairperson... for the chance to speak to my submission

**I oppose this application because the salient fact is...  
that these resources are already spoken for.**

**Walls Bay Esplanade doesnot have an undetermined disposition**

it is Opuia's only esplanade that is accessible to the beach.

and whats more it has Statute backing it up.

**By this I mean specific Land Law** which states unequivocally that this bit of land is designated for recreation and conservation.

**This Esplanade is valuable to Opuia** and to the wider Northland people who have often joyfully congregated here, when it was just an unformed public road beside the beach.

**This was of course before the Applicants time.**

The land in question wasso popular that the locals found it necessary to build a toilet block and public changing room nearby, just around the point, near the village Hall, **This they did this using money** raised by the Country Womans Institute. 1936

**If the public don't use the Esplanade much these days** it is because equipment from the Applicants business was used to **wrench out** the **Reserved for the public** sign and hide it. In other words stealing it. Happy picnics have since been replaced by trespass anxiety and avoidance.

And it distresses me to say that The Applicant makes no attempt whatsoever to confine industrial overspray to his property. How does he plan to comply with the rules to prevent despoiling the environment with his drying out grids?

I also have to say that the **Opuia school deserves much better** than to be pushed away from this safe Esplanade, This is the place where its annual fund raising gala and regatta days can be held. **(To be specific) to this app**

below H.W.

In January I made a serious effort to understand what it was that this applicant wants to do. Ive seen 3 other **resource use applications** for marinas in the Bay of islands. Doves Bay, Boundary Waters at Okiato Point and Far North Holdings Application, to build a 97 boat marina off the West side of the Opuia Wharf. But here I had to comprehend an unbound, un-indexed, puzzling selection of unreferenced documents.

**I thought it resembled a first draft because** it confused me by mixing existing consents with new applications and made no mention of the resources on the seabed to be dredged. Literally, there was no sign of a professional planner, It gave me no confidence that it was a plan ready for my attention.

**I declare that this 21 December application was incomplete** when I viewed it in January. It had omissions and vagary's that should properly have stopped the clock on its processing, **prior to notification**. (as happens with every other application for resource consent).

Why do we get the stopped clock but this Applicant didn't?

legality of the application



2

I doubt there is a single person in this room who has made a submission on this **4 weeks ago made public plan. And it's the hearings today.**

We have the December Plan submitted to timely scrutiny. This other plan, drawn-up 5 months later Was fed to concerned citizens, such as I, on the very same day that it was drawn. ( look at the date on the plan).

The original marina plan remains what it is ( and **I think care should be taken to seal it and keep it secure for forensic analysis later**). Councillor please. Sealed and secured. The original plan was notified last year and today 5 months later we are supposed to comprehend a wholly more ambitious plan, which alludes to considerable unintended consequences, which **cannot be said to be within the scope of the plan notified in December.**

~~Scope is not the slack let out in the chain when anchoring.~~ **Scope refers to the area covered by the 20 December plan.** This new 4 week old plan shows an entirely different pier that is thoroughly exploiting the generous rules of resource management.

And I'm deliberately understating this because others, , will no doubt quantify it.

**Who amongst the submitters, here in this room, has had enough time to consider** that the original construction of the existing jetty in Walls Bay might have been consented, **because** it would be of use to the public.

**Because that is its status today.**

~~now I see an entirely different plan for a pier that projects out and obstructs the inshore way that our centreboard yachties and rowing tenders use to access the Veronica channel, by staying clear of the ferry route.~~

I see an Application which seeks permission to be able to demolish the existing jetty, if it suits the Applicant, who now wants to construct another pier at a different location

**As the jetty is, at this point in time,** the public can use it, and the school can use it for its fund raising gala, and regatta day also.

~~This 4 week old plan of a wharf, which it is not, but Whatever it is,~~ it's being married up to last years Application for something quite different.

**Look; the current jetty is an asset available for the public to use,** It is also available, simply by making an arrangement. for the local school to use, for its swimming gala and regatta day along with the Esplanade Reserve, The Applicant's original plan was to demolish it and replace it on the same line. ~~There has been no reason advanced as to why it should be demolished.~~ This new plan makes it clear that the existing jetty. **The one that the public can use,** is to be demolished and not replaced

**The existing jetty's consent is conditional on the fact that the public can use it.** ~~This fact~~ ~~has~~ permit **CON20030791410**

~~The Applicant~~ has hidden this fact from everybody for 20 years.

last year This Applicants plan would have replaced a jetty that was consented on the grounds that the public can use it, for one that the Applicant wants exclusive use of. **I'm confident that no one in this room really knows what the Applicant intends doing with the resources he** ~~seeks~~ ~~use~~ ~~he~~ ~~seeks~~

Finally on the completely relevant subject of collusion and compromised governance. I won't go over my allotted time.

Applicant tells us that the Council  
Accepts that there are times of  
water blasting where screens are  
at the Applicants discretion

by  
arrange met  
with the  
applicant

3

I found from the public record that this applicant has spent the last 20 years engaged in near continuous, vexatious, demanding on the District Council. For it to acquiesce to WBBY expansion plans. During this time Walls Bay Coastal Marine area and the esplanade was being degraded by the boatyards encroachment beyond its boundaries. For example; the Applicant built an unauthorised concrete block retaining wall where none was required. Which destroyed the shorelines cherished natural transition to our recreational asset, the Esplanade. And the District Council has allowed this wall to remain. **What I have here was submitted on 31 January**, but redacted for reasons of society sensitivity. This being a similar concession to that claimed for commercial sensitivity.

*its been* During my time in the BOI <sup>that</sup> this Applicant has purchased a rough boat builders shed, on a severely restricted, hillside property, in a residential zone. With little more than a generously grandfathered permit to transit boats, from the sea over the unformed public road,. . The site came with an ingenious turntable and a network of railway lines for boat trolleys .

\*The first recorded instance of John Carter and The Applicant working together **to gain increased business use of territory outside of the Applicants land title**, occurred on 10 August 2001 when Mr Carter, Northlands Member of Parliament, and The Applicant, attended a meeting together, in the Whangarei Dept of Conservation office. At that meeting the Applicant remonstrated with the departmental staff, about them only granting him the status quo conditions, that existed at the time of his purchase. And about DOC's refusal to relax the transit conditions over what is now Esplanade Reserve . It was the Applicant himself who stopped the road, triggering the automatic designation and protection of an Esplanade Reserve **Now, and completely relevant** to what I believe today. reveals a rogue application for already committed public assets.

\***From Hansard in Parliament** people might like to make a note and see for themselves. [www.Hansard@parliament.govt.nz](http://www.Hansard@parliament.govt.nz) Vol 706, week 21-Wed, 1<sup>st</sup> July 2015. **Go to the ROLD subject**. Here you will find that In 2009 while Mr Carter, was the associate Minister for Local Government, and on a committee preparing a ROLD Bill, **which is a routine Law intended to tidy up non-controversial parcels of land in the Crown estate**. He surreptitiously inserted 3 controversial clauses so as to avoid the scrutiny of the select committee,. These clauses were for the express purpose of disposing of Opua's public esplanade to this Applicants advantage.

**Fortunately this procedural deception** was noticed and thwarted. Mr Carter subsequently resigned from Cabinet and did not stand again for re-election. Instead he became The Mayor of The FNDC. **Then in In 2015** despite a multitude of documented complaints, over many years, from numerous Bay of Islands people, regarding The Boatyards non-compliance with its transit easement over the esplanade, the Mayor led the FNDC to grant the Applicant the right, **to just go ahead. and conduct his business, on the Communities** recreational asset. The Applicant has correspondingly removed the rail network from his yard and is doing just that. This decision of the FNDC was appealed to the High Court in February this year and while the Courts *judgement*

pending I really don't understand why this application is proceeding. NZ  
**Coastguard Certified Coastal Yachtmaster, FRNZCGP..**