

BEFORE THE ENVIRONMENT COURT

Decision No. [2015] NZEnvC 218

IN THE MATTER of an application by Direct Referral
under Section 87G of the Resource
Management Act 1991 (**RMA**) for
resource consents to construct and
operate a 160-berth marina at Matiatia
Bay, Waiheke Island

BY WAIHEKE MARINAS LIMITED
("WML")
(ENV-2013-AKL-000174)

Applicant

Court: Principal Environment Judge LJ Newhook
Environment Commissioner R Howie
Environment Commissioner ACE Leijnen

CORRIGENDUM AS TO ONE WORD IN 17 DECEMBER 2015 DECISION

In paragraph 1 of the Court's substantive decision of 17 December 2015, Matiatia Bay was described as being at the "eastern end" of Waiheke Island. As is known to all who are familiar with Waiheke Island, Matiatia Bay is at the western end. We attach as



Annexure A, a copy of page 4 on which we have changed the 2 requisite letters to read “western”¹.

SIGNED at AUCKLAND this 18th day of December 2015

For the Court



L J Newhook
Principal Environment Judge



¹ It seems to be human nature to transpose “east” and “west”; it happens quite a lot. It is also regrettably a fact of life that endless proof-reading, even when undertaken by several people, can miss things, often the most simple and obvious !

Introduction and Background

[1] This case is about an application for a set of resource consents to authorise the establishment and operation of a recreational boat mooring marina at Matiatia Bay at the ^{we} eastern end of Waiheke Island in the Hauraki Gulf. Matiatia is the main port of entry to the island for passenger ferries. The proposal is to locate the marina in a reasonably significant portion of the north-eastern quadrant of the bay, adjacent to the ferry wharves, boat launching facilities, and the western terminus of Ocean View Road leading from the township of Oneroa.

[2] The application lodged with Auckland Council in early 2013 was for 160 vessel berths ranging in size from 10.5m to 20m, complete with two rock breakwaters and access piers. In addition, there were to be pile moorings immediately to the north to accommodate 17 vessels, and a reclamation and beach access boardwalk on the foreshore at the end of Ocean View Road to accommodate 55 carparking spaces and some infrastructure for the marina. A more detailed description of the proposal, and of a subsequent significant modification put forward by the applicant late in the main hearing in 2014, are to be found in the visual and landscape section of this decision.

[3] The proceedings have not been with the Environment Court all that time. In mid-2013 the Applicant requested the Council under s87D to refer the application directly to the Environment Court for a first instance (and only) merits hearing. At the end of that year the Applicant filed a Notice of Motion with the Environment Court under s87G, the Council having earlier indicated that it would support direct referral. The direct referral process thereupon commenced.

[4] In late January 2014 the period for lodging of submissions under s274 concluded, with 310 parties lodging notices. One late notice was received, and lateness waived. That party was Ngati Paoa Iwi Trust.

[5] The hearing ran for a scheduled three weeks, commencing 6 October 2014, after elaborate plans were put in place for management of the case involving an exceptionally large number of parties. These steps included work by two Court-appointed Process Advisors to Submitters, who greatly assisted in smoothing the path process-wise, and who persuaded the majority of parties to coalesce under the banner of Direction Matiatia Inc ("DMI"). A number of electronic innovations were directed by the Court, including the use of the Court's website for the exchange of evidence amongst parties, and lodgement of evidence and many other documents with the Court.

[6] On the second to last day of the 3-week hearing (Thursday 23 October 2014), the Applicant dropped what the presiding Judge openly described to the parties as "something of a bomb shell", announcing that it was withdrawing that part of its application seeking consent to reclamation for a carpark (and also the alternative parking deck structure which had been put forward subsequent to the application

