

THE PROCESS TO CONSTRUCT
A MARINA
IN
THE BAY OF ISLANDS.

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1. Introduction and Background.

This project and subsequent report arose from a request by Dr Alistair McArthur of the Kellogg Rural Leadership Programme to investigate the possibility of acquiring a marina berth in the Bay of Islands of New Zealand, and failing that, the procedure that would need to be developed to build such a marina in that locality.

There is little opportunity for such a purchase or long term lease in the Bay with only one such marina situated at Doves Bay which has a long waiting list with very strong and preferred local demand for the berths should they become available.

This project therefore has been initiated by Dr A. McArthurs requirement for increased marina berthing facilities in the Bay of Islands.

Pressure by the general boating public both local and from outside the region is such that demand for quality facilities is now in competition for the ability of the same people and the public in general to make full use of the area especially in the peak of the summer period.

This Report aims to outline the existing situation in the Bay of Islands and then go on to follow through the necessary steps involved in preparing for and the process involved in putting up a proposal to build a marina.

The likely Hearing process is outlined and a survey of the objectors to the Doves Bay marina development are surveyed to gauge the Publics perceptions before and after the build.

This Report does not delve into the actual building of the marina itself nor the management of such but to give an outline once having found the most suitable site and the financial backing for the process up to that stage.

The writer would be happy to address any further queries you might have.

Acknowledgments.

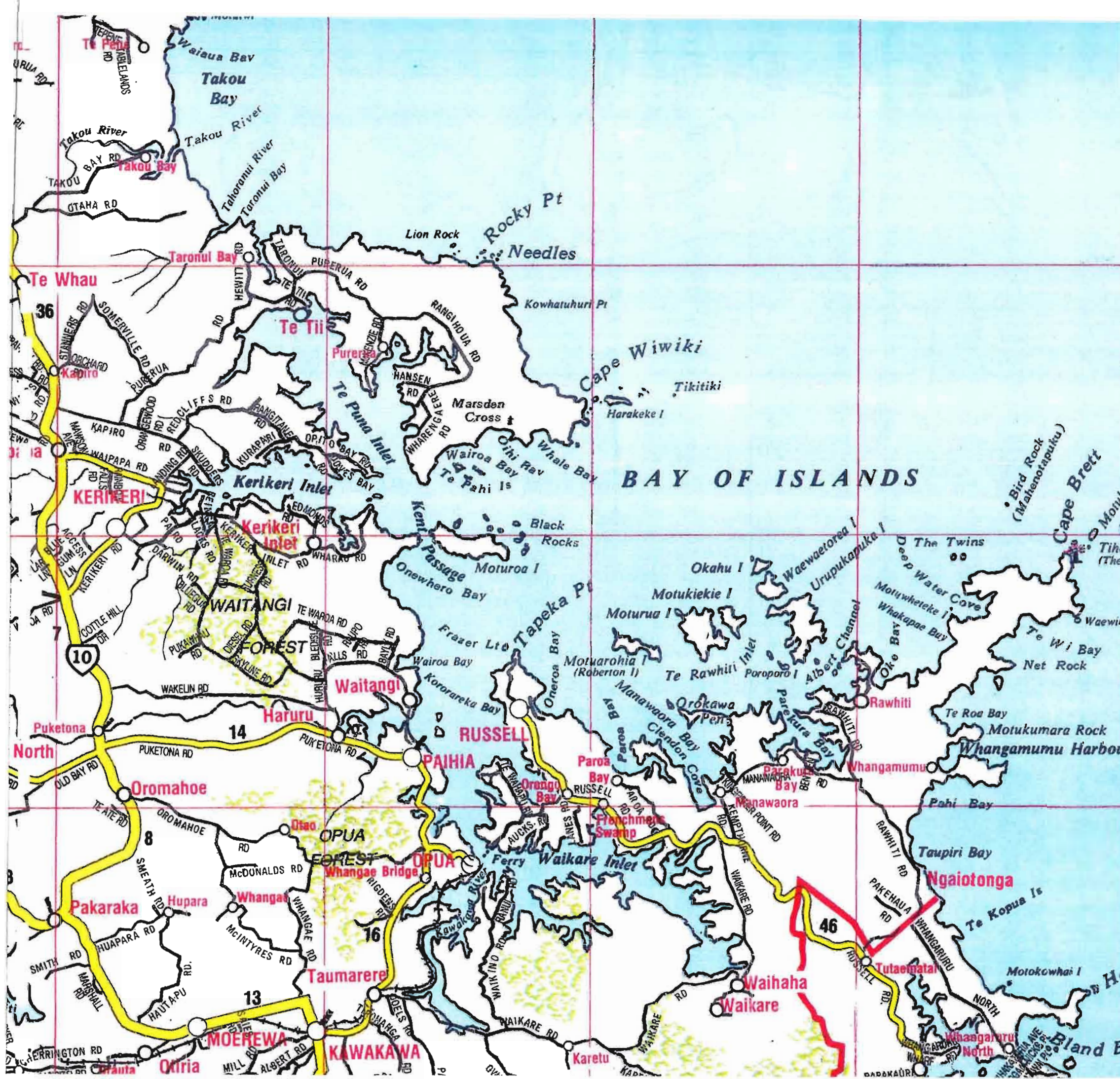
I would like to thank Mr Bob Upperton of Keri Keri who made himself available and provided information and documents with regard to the Doves Bay Marina Development.

James Harvey of the Northland Regional Council also assisted and provided reference material from the Regional Council Library.

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Executive summary.

In the Bay of Islands of Northland , New Zealand there is only one marina of 108 berths, this in an area that is recognised as being one of the boating mecca's of N.Z. There are around 1200 swing and pile moorings in the area which is about the maximum number provided for in the regional coastal plan. Demand is such that it is difficult to obtain a mooring and the only marina has a policy of giving local citizens first option to any marina berth that should become available.

Opuia has long been recognised as being an ideal site for a marina development well ahead of a couple of other possible sites. However a number of attempts have been made to develop the area to no avail so far, for a variety of reasons. The area may lend itself up to a large 550 berth facility, a smaller one may well be easier to promote. There seems little doubt that there would be a willing uptake of the berths.

The process involved in developing a marina is a long but necessary one particularly with the Resource Management Act of 1991, it may also be quite expensive depending on how and who are the proponents. There is no doubt that a local community /club of a non profit nature providing berths for locals would have a smoother ride than that of a fully commercial venture selling to who ever at the maximum possible price. Profits can be expected to be satisfactory but not usually excessive and is seen to be high profile in the public service arena providing a good image for the developer providing all goes according to plan.

Having decided to promote the concept following wide discussion with local residents, interest groups and particularly local iwi, and the staff of the local consent authorities, the next step is to produce an Environmental Impact Assessment Report. This document would need to cover all the relevant issues and effects that may occur to the environment when the marina is built. It needs to be an extensive and wide ranging document and is used as the basis for further consultation and the basis for the required resource consents application. It is best if as many issues can be settled prior to any hearing which is the next step, as this is on a cost plus basis and may incur further appeals etc. if issues are not satisfactorily covered. A number of consent applications will need to be applied for from probably three Authorities, these are usually heard at one time.

Once consents are granted and providing there are not too many limitations tenders can be called and construction begun.

Costs are very hard to estimate as each marina requires different sets of data and construction requirements. The Doves Bay marina built by locals for locals , 108 berths cost a total of around \$2.35million, and the estimated total budget for a commercial 450 berth marina at Opuia \$20 million at the outside.

A potential developer of a marina should not underestimate the influence that any locals particularly those in opposition might have. An issue such as this has the potential to divide a community even if a marina may provide many flow on commercial benefits, to that community. The local iwi tend to be the wild card in this process and some form of profit sharing may have to be entertained to smooth the passage.

A marina development in the Bay of Islands, many believe is when, not if a marina is built, would be a worth while and valuable asset to the community.

2. The current situation.

The Bay of Islands is a very scenic and popular destination for the people of New Zealand and in particular lends itself to be an ideal safe boating paradise for all manner of marine craft and their recreational use. It is also recognised as a mecca of big game fishing and tourists from all around the world visit the area for its beauty and to enjoy the marine activities from swimming with Dolphins to just pleasure sailing. Opuia the port is also the first point of entry for many yachts and other craft that visit New Zealand from overseas.

It is almost universally accepted in New Zealand that everyone should have the right to use and enjoy the country's largest publicly owned resource ie. the coastline and coastal waters of New Zealand.

For many years the common practice has been for people owning larger non trailerable vessels to simply have a swing mooring in some relatively sheltered location. The cost of providing these types of facilities is relatively small which enables many people to enjoy the benefits of boating. However in many areas and in particular the Bay of Islands, there has been such a substantial increase in demand for moorings so that now large areas of sheltered waters have been taken over for use as mooring areas. This has the effect of turning those particular areas into vast boat parks which are encroaching on waterways with the consequence that other members of the public cannot use the area for other recreational uses.

Generally swing moorings can cater for approximately 8 vessels per Ha. the utilisation of space where appropriate can be increased somewhat with the introduction of pile moorings which can accommodate around 25 vessels per Ha. A wet berth marina as suggested would increase this capacity to something in the order of 88 boats per hectare. The benefits of a marina area are quite obviously apparent in uncluttering the waterways.

Moorings cost around \$330 per year with a 3 yearly inspection fee which may cost \$300 plus.

Table 2.a Bay of Islands moorings (as at March 1995).

Te Uenga Bay	40	
Yates Bay	12	
Waipiro Bay	8	
Kororareka Bay	120	
Matawuwahi Bay	160	
Kawakawa upstream from Opuia	248	
Opuia Basin	80	
Macs Bay	12	
English Bay	50	
Paihia	46	
Waipapa Basin	10	
Skudders Beach	2	
Doves Bay	76	
Opito Bay	62	
Other registered moorings	250	
TOTAL	1182.	(source Northland Regional Council)

Please note that the table 2.a does not include the 111 berth Doves Bay marina and the numerous private jetties and boat ramps located around the Bay of Islands.

2.1 Doves Bay Marina

Planning for the Doves Bay marina began seriously in 1992 following studies and propositions started back in 1988 and before. This non profit community based project was finally completed in November 1996 taking longer to be completed than anticipated due to some unforeseen construction problems. It has now been satisfactorily completed and is an excellent facility much appreciated and enjoyed by the berth holders and most people of the area. Twelve metre berths now cost \$24600 and there is a waiting list of 50 and preference is given to ratepayers in the area.

2.2 Opuā

This is the most obvious and probably the best position for a marina development in the Bay of Islands. There is already an existing port facility which has been in existence since the Bay was first utilised by Europeans. Access is not easy at present but could be developed as part of a whole package providing adequate car parking areas and other associated facilities. There are at present existing boat maintenance businesses and associated port facilities. The port itself is not used much for commercial shipping anymore, although the occasional large tourist ship has tied up at the terminal. The main use of the port being to service smaller fishing boats, a yacht chartering business and custom clearance and some use by individuals for berthing and tying up.

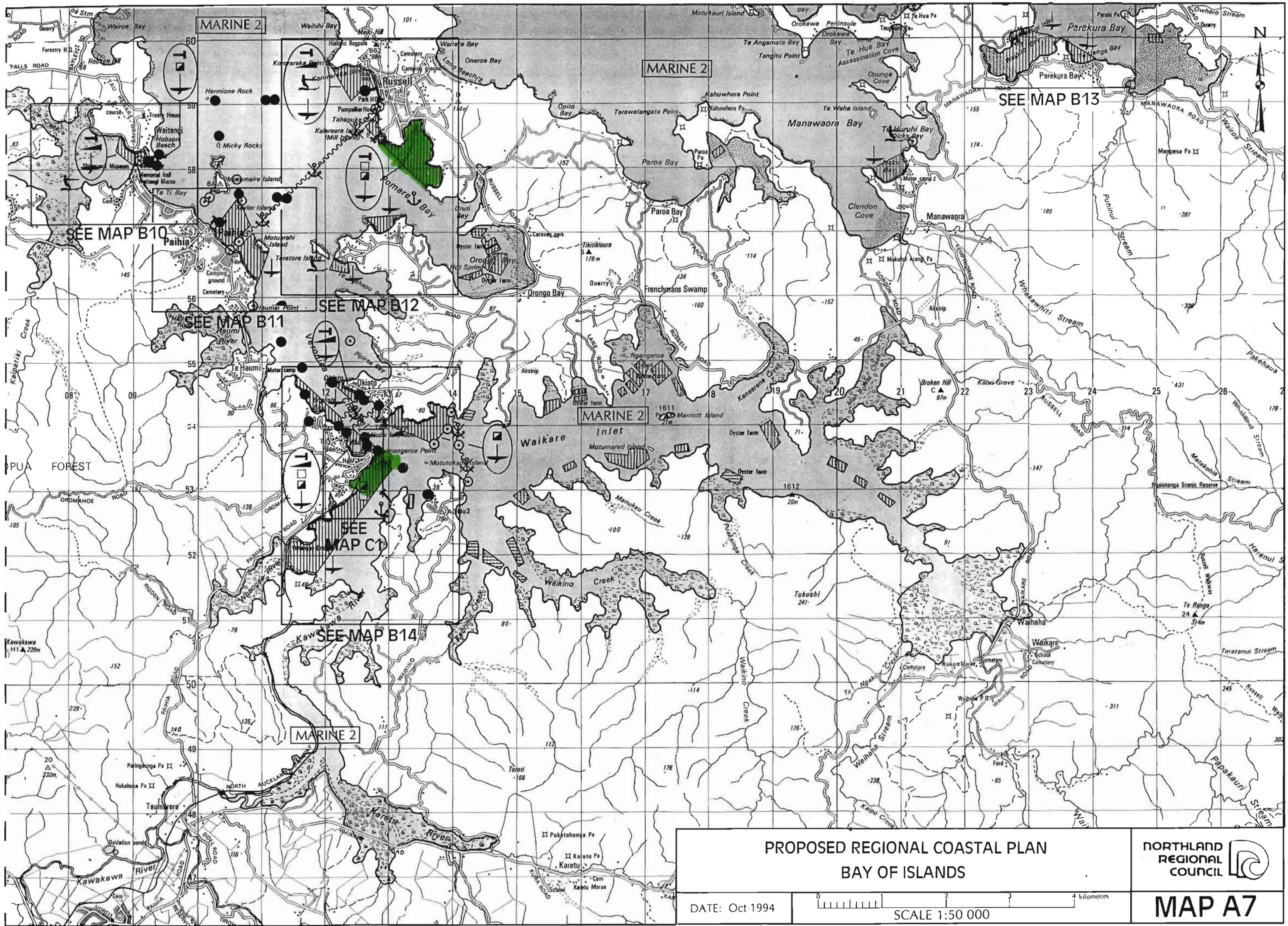
The first recorded feasibility studies looking into building a marina in the area was back in 1975 on behalf of Wright Stephenson and Company limited. It was determined back then that from an engineering point of view a marina development was feasible.

Since then a number of initiatives have been undertaken involving just about any serious marina developer in New Zealand right up until recent times. Unfortunately all despite coming up with sound and viable proposals have come to nought due to a variety of reasons. In the most recent example the proposer pulled out because essentially he could not be guaranteed access to the most obvious position for the marina to be built because he had to access across a little used railway track upon land which may most probably be subject to a land claim under the Treaty of Waitangi. The other problems have often related to the local community not been able to come to an agreement on how the area should be developed if at all.

The most preferred site lends itself to a large scale development and some proposals have indicated a marina of up to 550 berths.

2.3 Matauwhi Bay

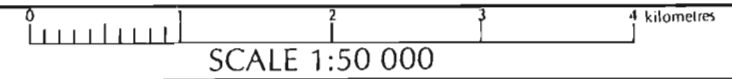
This Bay located near Russell is the next most likely site for development and would lend itself to such but like any proposal on this side of the Bay necessitates vehicle access across the Bay by ferry or a rather long and winding road and lacks in most cases any commercial infrastructure. Anywhere outside the inner Bay of Islands would have added difficulties in that it would seem to be impacting on the environmental integrity of the more "natural" aspect of the Bay of Islands.



PROPOSED REGIONAL COASTAL PLAN
BAY OF ISLANDS

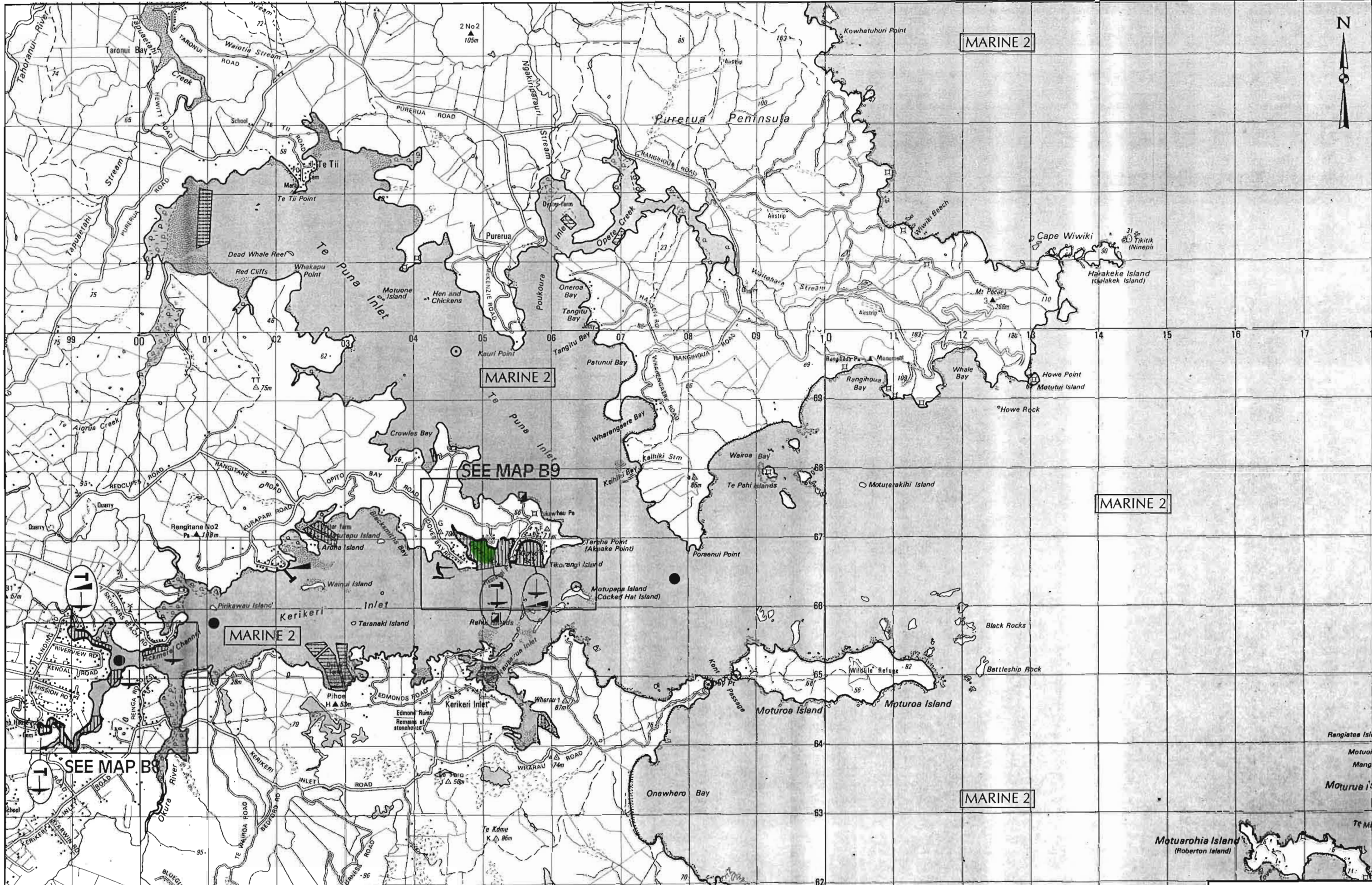


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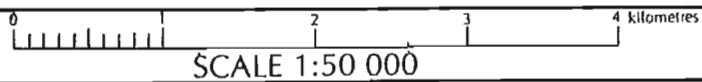
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MAP A7



**PROPOSED REGIONAL COASTAL PLAN
KERIKERI**

DATE: Oct 1994



NORTHLAND REGIONAL COUNCIL

MAP A6

3. Preperation for putting up a proposal.

Having made the decision to become involved in putting up and making a commitment to build a marina in the locality of your choice, the first step is to approach possibly any local organisations or bodies such as a yacht club or such like in an attempt to gauge and gain local support, which is critical in getting such ventures off to good start . Public meetings would then ideally be called with local residents and interest groups, another with the local iwi and another with the staff of the local consent authorities. Having ascertained that there are no violent and unsurmountable problems raised that would impact on the resource consents required to build the marina and that finanacial support (if necessary) to act as venture capital by those interested parties, was available, the more formal process may begin.

This process would follow a path such as;

- Environmental Impact Assessment report.
- Enhancing the proposals progression by consultation
- The Hearing
- The Decision and Permit granting
- Costings and tenders
- Construction of the Marina

4. Environmental Impact Assessment Report.

This is the necessary and foundation document required in putting forward a proposal in any area to build a marina. It is an extensive document covering all aspects of the proposal. It requires much research to be done if the information is not already available into environmental impacts, cause and effects.

An outline of such a document would need to cover;

- An introduction to the proposal.
- The marina objectives and the options available.
- The existing environment.
- Marina features.
- Environmental effects and safeguards.

This document when formulated would comprise the basis for any formal consultation with the various interested parties as previously mentioned and to 'iron out' any potential areas of concern prior to the formal application for Resource Consents

4.1 The Introduction:

This segment would outline the proposal itself, the background to the project ,the who and why of those involved.

It would then need to go on to outline the planning framework involved and the necessary consent procedures. Bearing in mind that under the Resource Management Act 1991 the

Northland Regional Council in conjunction with the Minister of Conservation is responsible for the management of the coastal marine area and associated coastal areas. Their responsibilities extend from mean high water springs mark out to the 12 mile limit.

Land use activities on the immediate shore and beyond are subject to the Far North District Councils proposed District plan.

Both these plans would have aspects that may be discretionary , complying, non complying covering the whole raft of aspects that would be required to build a marina.

A proposed marina development would probably require resource consents from three authorities namely the Minister of Conservation, Northland Regional Council and Far North District Council. The Particular resource consents could well be;

1. Coastal Permit from the Minister of Conservation for the following activities:
 - Reclamation of the foreshore and seabed associated construction of a rock wall retaining structure.
 - construction of the marina piers and floating breakwater.

2. Coastal Permit from the Northland Regional Council for the following activities:
 - Dredging of the marina basin.
 - Construction of the boat ramps
 - occupation of the reclaimed area and associated marina structures.
 - development and use of a fuel storage facility on the reclamation.
 - discharge of storm water from the driveways and parking areas into the bay.

3. land use consent from the Far North District council for the following activities:
 - earthworks and deposition of material on land associated with the proposed reclamation.
 - construction of the driveways and the land based parking facilities.
 - the building of a marina amenities building.
 - use of the reclaimed area for vehicular parking, boat marshalling and other marina related activities.

4. Discharge permit from the Northland Regional Council for the discharge of treated effluent from the sewage treatment system associated with the clubhouse and proposed amenities building.

One would expect that the four applications would be lodged at the same time and processed concurrently accompanied by a set of engineering plans and the environment impact assessment report.

It would also be expected that the applications would be publicly notified and open to submissions from any body or organisation. The Regional Council would normally coordinate the consent procedures and arrange any pre hearing meetings and any joint hearings that may be required.

4.2 Marina objectives and options available:

This section would outline what is trying to be achieved by the building of a marina, looking at what already exists, and how they are managed and what the potential demand for such a development is, as well as what other sites may well be available, and why this particular site is appropriate for the building of a marina.

4.3 The Existing environment:

This section would relate to the general setting of the marina and its surrounding area both on land and water. It would need to discuss the topography and land use around the area, the geology and soils surrounding. The hydrology of the sea area and any likely affects covering any potential sediment build up, water quality issues and the ecology of the immediate area. This may appear rather daunting at first but fortunately much work has been done on this in the past by reputable organisations and is well recognised and available, particularly with respect to the Opuia area.

Any historic sites and features of note would need to be identified.

Maori interest in the site and any issues of cultural importance or otherwise would need to be identified and hopefully any issues resolved well before any hearings began to proceed.

The marinas impact on recreational use in the area would also need to be covered and quite importantly the benefits to the general public and the accessibility of the general public to make use of the facilities would be an issue.

4.4 Marina features:

This section would cover the actual design and build features of the marina development in some detail from any necessary dredging, reclamation to the actual type of construction itself and any associated amenities.

This as indicated earlier in the report is beyond the scope of this report and would obviously be influenced by where the marina was to be built, how many berths and the scale of associated facilities that would be required.

Also an outline of the proposed construction programme, the costs involved and how it was proposed that these costs would be met. The future management structure would also need to be outlined.

4.5 Environmental effects and safeguards:

This section is necessary to give the authorities the confidence that the developer is aware of the environmental impact of building the marina and is aware and put in place procedures to minimise the effect of the development not only whilst its is been built but also as follow up. In other words a responsible party prepared to landscape and leave the area in better shape than it was before although somewhat modified, covering all the pertinent issues raised in the report.

5. Enhancing the proposals progression.

Having formulated the Environmental Impact Assessment Report the next step is to approach any potential supporters and further develop their support particularly those from the local area. It also is a good opportunity to perhaps identify any 'chinks' in the proposal. Having done this the next step is to approach those with a more negative aspect and attempt to bring them on side by demonstrating that you have attempted in a responsible manner to address all their likely areas of concern and have been proactive in anticipating what they might be, and how they will be addressed, and resolved, if they can still be demonstrated to be a potential problem.

This is an important part of the process as it can alleviate major problems at a more critical part of the procedures namely the hearing.

At about the same time as genuine issues are close to being resolved formal application for the Resource consents would be made to the various Authorities.

It would be anticipated that the Regional Council would process the application and draw up the order paper for the joint hearings committee meeting and appoint the hearings committee. Public notification would be made and submissions in support, or opposing the development would be asked for.

The authorities, to whom application for resource consents had been lodged would then be analysing and formulating reports of their own on the relevant aspects of the development and its compliance, and any recommendations that they might have. One should expect to work in and assist with any information that may well be required.

All the relevant papers and information would then be made up into one document which would include all the public submissions both for and against, and a hearing date would be set.

6. The Hearing.

Usually the day before the hearing itself a pre hearing meeting is held to establish the position of the various parties and ensure the common ground and hopefully resolve any issues that may still be unresolved.

Realising that the applicant will be charged on a cost plus basis reaffirms the necessity to be well prepared and to try and eliminate any controversial issues prior to the hearing and have all the consultants, and reports up to a satisfactory point.

The hearing then begins:

The chairman opens proceedings and introduces all parties. Hearing procedure is outlined and is usually informal, but must where appropriate recognise tikanga Maori.

Council officers will then outline and present their reports.

The applicants then have the opportunity to expand on their written submissions adding comments to any issues raised.

The submitters will then speak to their submissions if they wish and may add further comments as to what has already passed. Only committee members may question through the chair any of the parties to the application. No cross examination is usually allowed.

Prior to the applicant exercising a right of reply, the lead Council officer will usually answer questions raised in the applicants or submitters submission and suggest any changes to his or her original recommendations, so that there is no suggestion of advice not being available to all parties.

The applicant may then exercise a right of reply covering any further questions and matters raised.

The hearing is then adjourned for a decision and usually the applicant and any persons who made a submission are notified within 15 working days of the conclusion of the hearing.

7. The Decision.

This is delivered in a written format outlining briefly what was heard and the various decisions consents, and permits, that will be issued and any constraints and conditions that may have been imposed, will be listed to do with the whole proposal design and construction.

Obviously this is the critical decision as to the future viability of the project and in fact whether it is possible under the terms of the hearings committee decision.

Should it be deemed that an appeal may be necessary with regard to any aspects of the decision this is possible under the Resource Management Act, which provides for the Right of Appeal in any respect to the whole or any part of the recommendation on the Restricted Coastal Activity to the Minister of Conservation.

If this is to be done it must be done within 15 working days to the planning tribunal.

Assuming that the results are favourable and acceptable and allow for the viability of the project to proceed, tenders for the construction of the project would then be called for and the construction could then begin.

8. Costings.

This aspect of the report is difficult to give definite answers to as so much depends on where the marina is to be developed and who is involved ie. is it a community based project or a commercial development by an entrepreneur. The difference can be quite substantial due to peoples attitudes and perceptions and the need to prove or disprove effects for example as required under the Resource Management Act.

To illustrate I will use two examples in round figures.

Example A: A commercial company developing a 450 berth marina at Opuia selling to whoever wishes to purchase.

investigating the proposal	
studies into both marine and landbased issues	
consultations with numerous parties	
getting consents ready for lodging	
preparing the Environmental Impact report	\$700,000
Hearing process and associated costs	\$150,000
Constuction of 450 berth marina and breakwater	\$12,000,000
Construction of land based facilities	\$4.500,000
Estimated promotional, retail and interest cost	\$2.700,000
Estimated total cost of project	\$20 million

The figures used are fully costed and are conservatively estimated.

For this project to have started constuction, a 2/3 take up on options for marina berths was required and the quicker this happened the quicker the projected return, this was viewed as been positive in the Bay of Islands.

A 12metre berth would probably have sold for around \$45,000 with an annual full service charge of \$1000-1200 per year. Providing all went according to plan, profits would have been adequate without been excessive!

Example B: A non profit community based organisation with unpaid voluntary help in compiling and consulting in the community, building a 110 berth marina.

Consultation and compilation of E.I.A report	\$70,000
Hearing and associated costs	\$20,000
Construction of marina and additional land based facilities	\$2,200,000
Promotion and Prospectus	\$50,000
Total	\$2,340,000

A 12 metre berth sold for \$19,725 with annual service charge of \$500 per year. Establishing the true cost of voluntary input is difficult, as is the cost benefit of a community project, which is built to benefit locals and the subsequent issues that may be put forward to slow or halt the project.

9. Likely objections to a marina development.

Objections to a marina development under the Resource Management Act are liable to have a major bearing on the project in that they have the ability to either scuttle or hinder or add great cost to a project. They can of course be beneficial. To give some idea of probable objection to a proposal , the Doves Bay development submissions are analysed and a follow up survey was conducted to ascertain whether they were well founded.

Summary of submissions:

A total of 91 submissions were received on the resource consent applications related to the proposed marina development. 57 submissions were in support of the proposed marina and 34 in opposition.

In summarising these submissions, the main issues raised in those submissions in support included:

Marinas provide better utilisation of space	12
Belief that a marina would rationalise and reduce moorings	12
Marina would provide safe mooring with easier access	12
Need for a marina facility	11
Support for a club managed facility	11
Concern with mooring proliferation	8
Situated in a good location and enhance area	8
Be an asset to community and club	8
provide better security	7
Reduce pollution through provision of fuel /sewage pumpout facilities	6

The main issues raised in those submissions in opposition include:

Concern with increased pollution risks (fuel, sewage, rubbish)	17	
destruction of natural habitats, environmental and aesthetic values	17	
need for maintenance dredging and disposal site	13	
effects of dredging	12	
consideration of alternative design options	12	
effects on wildlife and ecological values	11	
no further, or restrictions on possible extensions to marina	10	
increased visual effects	10	
increased noise levels	10	
concerns with cost and financing	10	
increased traffic and road upgrade	9	
concerns with size, need and purpose of reclamation	9	
consideration of alternative locations	8	
justification and need for a marina	8	
concern with marina on water quality	7	
concern with effects on tidal flow and wave effects	6	
concern with increased security risk	6	
concern with increased lighting	6	
should wait for Regional Coastal plan		6
contary to Resource Management Act 1991	6	
concern with existing public use and access	6	

other concerns raised by some submitters in opposition include sedimentation, the commercial use of facilities and increased navigational hazards.

There was no iwi related objections.

(source Order Paper for Joint Hearings Committee Meeting)

It is worth noting that 18 of the objectors lived in the immediate vicinity, I endeavoured to contact them and spoke to all who were available. It is fair to say that virtually all found the marina to be not as obtrusive as they had feared and some even thought it was a good amenity for the area. Some had objected to preserve their rights, whilst believing that there may be good cause for a marina.

Most rued the lost of a pristine little bay (note that there were up to 55 boats moored permantly prior to the development) and its local ecology and that this had been lost. Many overlooking the Bay found the car windscreen and boat window reflections most annoying and most whilst accepting that an application to increase the marina berths would be inevitable intended to strongly oppose it. Noise and lighting did not appear to be a problem but most mentioned that the visual impact had been impaired from what it had been.

One of the most extensive objections had come from the Royal Forest and Bird Protection Society, the author and spokeswoman had not been to the site since but raised the issue of the lost beach and the possible need to redredge and what would be done with the dredgings.

Of those who supported the proposal it was almost unanimous in that the benefits of the marina lived up to expectations if not beyond and was seen to be a great amenity even if the cost of buying the berths was high. It is interesting to note that the number of moorings in the area has

not decreased if any thing the reverse has occurred, as some moved on to the marina others took up the moorings such is the demand. In some instances the berth may be as valuable as the boat.

The one wildcard in the objection process is that of the stance of the local iwi, it is very important that they are on side with the proposal if it is to succeed. They have to be consulted and included in the process.

As stated earlier one of the keys to success in building a marina particularly with regard to the Resource Management Act of 1991 is that consultation with those possibly affected must be carried out, this is best done sensitively and all encompassing, and the issues addressed and resolved as early as possible.

It is also quite evident that this process is easier if local community /club type involvement is involved with targeted marina berth holders living in the immediate area.