

**EVIDENCE** Juliane Kathryn Chetham  
**TOPIC** PC 113.  
**SUB#** 19.  
**DATE** 20 NOV 2013.

**BEFORE THE WHANGAREI DISTRICT COUNCIL**

**IN THE MATTER OF** an application to change  
the Whangarei District Plan (Plan Change 113)

**BY**

**WHANGAREI RACING CLUB      Applicant**

**EVIDENCE OF JULIANE KATHRYN CHETHAM**

**Dated the 20th November 2013**

## **Introduction**

*Ko Manaia te Maunga  
Ko Whangarei Terenga Paraoa te Moana  
Ko Ngati Wai, Ngapuhi, Ngati Whatua nga Iwi  
Ko Patuharakeke te Hapu  
Ko Takahiwai te Marae  
Ko Te Pirihī te Tangata  
Tihei Mauri Ora*

1. Tena koutou, my name is Juliane Chetham. I am presenting this submission today on behalf of the Patuharakeke Te Iwi Trust Board (PTB).
2. I am authorised to speak on behalf of PTB. PTB is the representative body of Patuharakeke Hapu, tangata whenua of the Rohe o Patuharakeke with respect to mana whenua, mana moana within the rohe of Patuharakeke.
3. I have read the Environment Court's Code of Practice for Expert Witnesses. Although this is not an Environment Court hearing I consider that Code to be an appropriate basis for this evidence and I have prepared it accordingly and agree to abide by it. The opinions expressed are my own and when I rely on the evidence of others I have drawn attention to this.

## **Scope of Evidence**

4. I will present evidence that covers outstanding concerns first raised in the Patuharakeke Cultural Impact Assessment ("CIA") in relation to PC 113 and subsequent submissions dated 26 April 2013, 19 June 2013 and those provided at the pre-hearing meeting on 31 July 2013. Ms Pitman's evidence has described Patuharakeke's relationship to the area and rohe boundaries and I will not repeat them here. Primarily, my brief will concentrate on our ongoing concerns in relation to height and density issues in relation to the residential and commercial development that will be enabled should the Ruakaka Equine Environment be incorporated into the Whangarei District Plan.
5. Patuharakeke are placed in an untenable position in that while we cannot support the application for the foremost reasons expressed in Ms Pitman's submission, that is, the plan change effectively perpetuates alienation of our ancestral lands and renders said land irretrievable should a resumption be successful. However, in our duty as kaitiaki, and as a

result of our long experience with development almost certainly being granted we are obliged to participate in the minimised process of addressing and advocating conditions of the activity that we oppose. This is to ensure our ongoing involvement going forward, but often results in a perception that we are in agreement with the development.

### **Intensity of Development**

6. The waters of Bream Bay are a taonga gifted by our tupuna which we as kaitiaki have a duty to conserve and protect for our mokopuna. Ongoing impacts on our coastal environment as a result of a number of developments have had the effect of diminishing its mana and wairua, thereby resulting in a loss of mana for the kaitiaki, ahi kaa, hau kainga. Bream Bay is our mahinga mataitai, our food basket.
7. Pollution, sedimentation and industrial reclamation have severely limited our ability to gather kaimoana from inner harbour sites, meaning that the mahinga kai on the open coast at Bream Bay are the "last bastion"; an easily accessible, plentiful and clean supply of kaimoana. The effect of this has been that harvesting pressure has been concentrated on the Bream Bay side to such an extent that Marsden Bank is now severely depleted of pipi.
8. In the absence of pipi in the inner harbour, Marsden Bank was predominantly used for customary harvest for our hui; tangi; and in other events to manaaki our manuhiri. This was up until approximately 5 years ago when our mana moana committee decided it was no longer viable. A Coastal Cultural Health Index survey funded by MfE and carried out by the mana moana committee at Marsden Bank in January 2010 cemented our decision to request a s186A closure under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 which was approved by the Minister of Fisheries and gazetted in February 2011. A further survey carried out in conjunction with NIWA in May 2012 demonstrated that pipi biomass at the site had not recovered, and in fact had declined even further, forcing us to roll the rahui over for a consecutive 2 year period until February 2013.
9. We have not had the resources to carry out surveys on Tuatua populations along Bream Bay but anecdotal evidence suggests these are also in decline. Another significant mahinga kai for Patuharakeke is located in the Ruakaka Estuary and is under threat as a result of the cumulative impact of a wide range of discharges from farm effluent to industrial and residential wastewater discharges. As previously mentioned, PTB carried out a Ministry for

the Environment funded project to assess the health of our mahinga kai in 2010. The Ruakaka River mouth location was found to be virtually unuseable for the gathering of kaimoana. These results are corroborated by Northland Regional Council monitoring results which state that Ruakaka River is a highly impacted river, with poor water clarity and high nutrient levels.

10. Kaimoana not only provide sustenance for Patuharakeke and the local community but are a food source for the many native and migratory birds that inhabit the Ruakaka estuary and adjacent wildlife refuge. They are regarded as a taonga and Patuharakeke have a kaitiaki responsibility to ensure the good health of this important food source. A significant population increase in the area will certainly increase harvesting pressure on this mahinga kai and the tuatua and pipi beds in Bream Bay to the east and northeast of the Racecourse.
11. The historical degradation of the rohe over the past two centuries has already had significant adverse cultural effect on Patuharakeke. At its worst this has been a core factor in the physical alienation of the people from their whenua and the drift of our whanau to the urban centres. Any additional effects that contribute to the cumulative pressure on water quality, wildlife and kaimoana, will have an adverse cultural effect on the ability of hau kainga to feed our families, to manaaki our manuhiri, practice kaitiakitanga and will thereby further erode our mana. Ongoing developments that have restricted access or created a loss of resources have further degraded kaitiakitanga through a loss of knowledge (matauranga) and the opportunities to practice (tikanga) that knowledge.
12. In terms of any adverse effects, Patuharakeke consider that it is us, as kaitiaki, who have, and will continue to bear ultimate responsibility. The need to ensure that a precautionary approach is taken is reinforced by the current diminished health of the resources and ecosystems in this location.
13. As a result the Board does not believe the adjacent environment has the capacity to withstand the development intensity proposed, particularly when taken in conjunction with the cumulative pressure from surrounding consented subdivisions.
14. With regard to setting appropriate density levels for the REE we concur with the recommendations outlined in Mr Riddells' evidence in paragraphs 106-117. Namely, that the high level of urban development envisaged by the REE proposal is not consistent with the

current racecourse surrounds which are primarily high value habitat or public space, and that the level of density allowed should be congruous to that consented by the council for the Great Northern Land Company and Land Development Solution subdivisions, i.e. between 83-107 lots. PTB are firmly in support of the proposed amendments to policy 1.1.4ii to establish a maximum of 100 dwellings and use of the terminology "residential units" for clarity and to ensure that establishment of retirement or holiday accommodation and the like cannot occur without restriction.

### **Building Height and Design Matters**

15. Recent korero from kaumatua given on the history of the area denotes the entire coastal area of Bream Bay as a site of significance known as "Te Akau". Similarly, "Tupehau" is the name for an area of coastline behind the Ruakaka dunes in the vicinity of this proposal.
16. The proponents of the plan change have argued that the coastline in this location is heavily modified and this somehow justifies the density and size of the development that could result should the REE be approved and added to the district plan. It is however acknowledged by the applicant that much of the surrounding location is identified as high or outstanding natural character.
17. The issue of effects on our cultural landscapes and seascapes has been raised consistently through the CIA and subsequent submission processes. Our concerns in this regard have not been allayed, although we submit that the proposed amendments in the Planners Report, specifically, the recommendation to substitute Mean Low Water Spring in policy REE 5.6.1 and 5.6.10 are a step forward in terms of protecting view shafts. We are high users of the coastal environment in this location and spend much of this time in the water fishing, harvesting kaimoana and playing with our tamariki so would prefer that our views looking back from in the water are not diminished by obtrusive buildings.
18. PTB are in total disagreement with the Mr Meads suggestion at paragraph 47 that provision should be made for a "well designed, non residential marker building" on the grandstand hill to be the exception to this rule. The notion of a marker or landmark building as part of the REE is completely inappropriate in our view. We have our landmarks or markers – we look to our Maunga, Manaia; we look to the Takahiwai and Pukekauri ranges behind our kainga; we

look to Te Whara "Bream Head"; we look east across our cultural seascape to our islands, Taranga, the Hen and her Chicks, Marotere; and we look south to Piroa or the Brynderwyns.

19. This is how we define our rohe boundaries and ourselves in our tribal pepeha and waiata. We have already had our cultural landscape defaced with industrial landmarks. We rejoiced when the remaining power station stack was recently dismantled. You never know, in 20 or 50 years when we surpass "peak oil" and opt for alternative energy sources and a more sustainable society – my children may even see the day when the Refinery stack comes down. We don't want any more built landmarks. What is the applicants definition of a marker building anyway? When I think of landmark buildings, I think of beautiful buildings in cities – like the Guggenheim in New York. What is the likelihood of any developer having the resources to build an exceptional piece of architecture in Ruakaka? And, would it belong there anyway – in my opinion, no, we do not need a marker building to define this development.
20. I would much rather see the applicant leading the way and advocating for a model of sustainable subdivision design, utilising energy efficient and sustainable urban design that is harmonious with the surrounding environment. Although Ms Skidmore's evidence and the Planning report abound with words such as "appropriate" and "high quality" with regard to design issues for this development, this is still unclear and we remain unconvinced. The requirement for cultural effects assessment at the management plan stage represents our only opportunity to assess the appropriateness or quality of design and how much weight will be given to any concerns we may have is yet to be seen. In our view, the vast majority of subdivision that Whangarei District Council has permitted in our rohe over the last 10-15 years has been neither appropriate nor of high quality so we don't hold out a lot of hope.

### **Conclusion**

21. We remain of the view that to grant this plan change has the potential to further exacerbate treaty grievances. However, should the committee see fit to consent to the REE proposal, clear and strict guidelines must be implemented to set an appropriate maximum density of residential units that will allow for the protection and preservation of the surrounding environment and biodiversity. Of equal importance will be a requirement to impose clear and strict guidelines in relation to the height and design of buildings in the proposed REE.

Kia Ora