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Tena Koutou

**RE: Plan Change 113 – Ruakaka Racecourse**

Please find attached the submission of Patuharakeke Te Iwi Trust Board in relation to the above notified consent application.

The submitter is authorised to make the submission on behalf of Patuharakeke.

Heoi ano ra

*Juliane Chetham*  
*For Patuharakeke Hapu*

13/29563

*Ko Manaia te Maunga  
Ko Whangarei te Moana  
Ko Ngati Wai, Ngapuhi, Ngati Whatua nga Iwi  
Ko Patuharakeke te Hapu  
Ko Takahiwai te Marae*

## **1. INTRODUCTION**

This submission relates to Proposed Plan Change 113 – Ruakaka Racecourse lodged by the Whangarei Racing Club (“WRC”). This submission is made by Patuharakeke Te Iwi Trust Board Inc (“PTB”) on behalf of Patuharakeke Hapu, tangata whenua of the Rohe o Patuharakeke with respect to mana whenua, mana moana, mana takutaimoana. Patuharakeke Rohe is located on the south side of the Whangarei harbour and includes our marae at Takahiwai. Our rohe begins at Otaika verging on Toetoe, traverses west to Tangihua, then south verging on the east to Ruarangi then Taipuha, then south east through Mareretu then Piroa to Mangawhai north of the harbour, then due east to include the islands of the Mokohinau group then towards Te Akau (the coast) to include the islands of Maui i roto and Maui i taha, Marotiri, Taranga, Ngatuturu (Sail Rock) thence to Manaia and Whangarei Heads; thence up the Whangarei Harbour to incorporate Patungarahi (Snake Bank) onward to Parua and Solomon’s Pt then Tamaterau and Pakikaikutu, Rahongaua, Ruakekeno, Tahunatapu, and to include interests in the islands of Motupomona, Motukawau, Motu Karoro, Pouroa, Okoko, Tongamaru, Ko Mapuro at the Whangarei Heads area and in Whangarei Harbour across and up to Tikorangi (Portland) and Otaika and Toetoe.

Within our rohe there have been a number of developments which have impacted on and negated our mana whenua, mana moana, mana takutaimoana status and duties. These activities have harmed the natural balance and ecosystems within our rohe. Developments such as Portland Cement Works; Marsden Point Oil Refinery and expansion; PortCorp Deepwater Port and reclamation; Ruakaka Power Station; the Hopper Marina Development all occur within our rohe and all have had significant impact on our natural environment and our ability to perform our traditional practices.

## **2. CONSULTATION**

PTB acknowledges that consultation has taken place between WRC and their consultants and the Trust over the past 18 months in relation to the proposed plan change. PTB has produced a

Cultural Impact Assessment ("CIA") which enabled Patuharakeke to gain a thorough understanding of the project, identify our relationship to the area subject to the application, and identify the potential effects on our social, cultural, economic, and environmental wellbeing. PTB have participated in meetings with parties concerned, prepared the CIA which we have determined to undertake to provide expertise as hapu asserting mana over our rohe. This process has also allowed us to make recommendations regarding possible mitigation of adverse effects should the plan change be approved. WRC have responded to the recommendations made in the CIA and the majority of concerns raised have been addressed. PTB and WRC have agreed that those matters unable to be provided for within the scope of the plan change are to be dealt with by a Memorandum of Understanding or similar agreement. There remain, however some aspects of the plan change proposal that are unresolved in our view and these are discussed in section 3 below.

We also note that WDC acted as 'project manager' on behalf of WRC for the proposed private plan change activity. We raised this apparent conflict of interest with WDC when consulted on the process going forward. This approach by a local authority should be considered anomalous and not be a manner in which a local authority should conduct its duties.

PTB understands the challenges facing WRC to remain viable however we distinguish our commitment to managing a constructive and positive working relationship with all parties from our obligation to raise issues which undermine transparency and due process.

### **3. SUBMISSION**

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. Although a number of design elements and restrictions (for example the current building envelope in Precinct D) have been incorporated in the REE requirements, PTB remain unconvinced of this and are extremely concerned that the natural character and biodiversity will not be adversely affected. Future development in the grandstand area may not be able to be viewed from the beach, but it will be visible from the sea and of course from the Ruakaka Ridge and surrounding hills, and therefore will have an impact on the cultural landscapes and seascapes of Patuharakeke. Because of these effects, and the potential adverse effects on natural character and nearby wildlife we oppose the plan change proposal in general. Below we outline specific parts of the REE provisions that either remain a concern or are supported.

### **3.1 REE 1- Policies**

We seek the reduction of the maximum limit of 350 dwellings to below 150 in order to avoid the potential impacts of a large influx of residents and visitors to surrounding wildlife and habitats.

### **3.2 Height Restrictions in Southern, Eastern and Western Precincts**

We seek amendments to ensure any building over two storeys becomes a non-complying activity in the southern and western precincts and that any building on the Grandstand Hill which will be visible from Mean High Water Springs becomes a non-complying activity. We do not seek to turn our coastline into something that is experienced in overseas development such as the Gold Coast etc.

### **3.3 Requisite Policies and Notification**

We remain concerned that requisite policies in the proposed plan change have the potential to exclude PTB from involvement within future resource consent applications in the medium-long term, irrespective of the usual tests for public notification in the Act.

### **3.4 Management Plans**

Through consultation and the recommendations of the Patuharakeke cultural effects assessment ("CIA") Management Plans for the REE now require the inclusion of a Cultural Heritage Effects Assessment. We strongly support this requirement. However in the absence of a definition PTB are concerned that a "cultural heritage effects" has the potential to restrict an assessment only to matters relating to wahi tapu or heritage. While these matters are critically important, they are only a sub-set of all the effects that an activity might have on tangata whenua and their values and sections 6(e), 7(a) and 8 of the Resource Management Act provide for a far greater range of values to be considered. We therefore submit that the effects assessment should be referred to as either a "cultural impact assessment", "cultural effects assessment" or "cultural values assessment". If the word "cultural" requires further clarification, then we would suggest it be replaced by "tangata whenua" or "mana whenua".

### **3.5 Habitat Protection Plans**

PTB support the inclusion of a requirement for Habitat Protection Plans, which are to be prepared in consultation with the Department of Conservation and iwi. We submit that where the word "iwi" is used throughout the Plan Change text it should be replaced with "tangata whenua" to ensure that the local hapu remain central to this process.

### **3.6 Other matters raised in the CIA**

There has been agreement by WRC and PTB to address the matters listed below through an MOU or similar agreement;

- Include provision for a Pingao Restoration (or Dune Restoration) project led by tangata whenua and supported by WRC/ Residents Society etc.
- Investigate and prioritise the role of tangata whenua involvement in any restoration and monitoring programmes, weed and pest management and planting programmes as a means of providing for the contemporary exercise of matauranga and kaitiakitanga.
- Ensure that REE provisions support PTB's CCHI monitoring programme in the Ruakaka Estuary and Bream Bay to monitor the health of mahinga kai as development proceeds.
- Ensuring provisions are in place to implement the cultural monitoring programme as set out in section 5.3 of the CIA.
- WRC to consider offering a limited number of training apprenticeships and/or a Veterinarian scholarship for Patuharakeke rangatahi to take up.

#### **4. Hearing**

Patuharakeke wish to be heard in support of their submission. If others make a similar submission, we would consider presenting a joint case at hearing. Given the location of the proposal within the rohe of Patuharakeke and the concerns we have we would assume both Whangarei District Council and the applicant would be amenable to appointing an independent Maori commissioner to hear and decide the plan change application alongside the council committee/ or independent commissioners; and to holding the hearing or part thereof at Takahiwai Marae. This is also consistent with policies 7.4.1 and 7.5.3 of the District Plan.

Kia Ora

**Signature:**

Juliane Chetham (Trustee)

On behalf of Patuharakeke Te Iwi Trust Board