

Our ref: 6202/BNH

26 April 2010

The Chief Executive  
Whakatane District Council  
Private Bag 1002  
Whakatane

Tēna koe

**DRAFT WHAKATANE INTEGRATED URBAN GROWTH STRATEGY**

This is the submission of Te Runanga o Ngati Awa.

Te Runanga o Ngati Awa is constituted under Te Runanga o Ngati Awa Act 2005.

The Ngati Awa Claims Settlement Act 2005 and the Ngati Awa Deed of Settlement also refer.

Te Runanga o Ngati Awa is the Ngati Awa Governance Entity representing 22 hapu comprising over 18,000 registered members.

We are tangata whenua, kaitiaki, landowners and ratepayers in the Whakatane district.

Ngāti Awa wishes to be heard.

Kia ora

Jeremy Gardiner  
**CHIEF EXECUTIVE**

## **Ngāti Awa Facts and Figures**

- Maori make up around 42% of the population of this district – much higher than the national average and one of the highest proportions in the country
- Over 18,700 people have a primary affiliation to Ngāti Awa (Ngāti Awa Registrations Database).
- The resident Ngāti Awa population in this district is 3,723 which is more than 10% of the total district population (2006 Census). This total may climb as more Ngati Awa people return home to retire.
- Ngāti Awa is the second largest iwi by resident population in the district with 25%.
- Ngāti Awa is one of only two Treaty settlements to have been completed to date in the Whakatane region. A further four are in process through the CNI deal.
- A recent draft report from BERL indicates that the total value of Maori participation in the Waiariki regional economy is \$8.66 billion. Further work is being conducted to assess the contribution to the Whakatane district.
- Projects in excess of \$15 million are planned through Te Rūnanga o Ngāti Awa and Te Whare Wananga o Awanuiarangi within the next 12-24 months.
- Annual population growth is expected to continue at double (or more) of that of the general population.
- The median age of Ngāti Awa is 22 years which is slightly lower than the median age for Maori (23 years) and significantly lower than that of the general population (36 years).

All of these statistics need to be taken into account in planning for urban growth in the district.

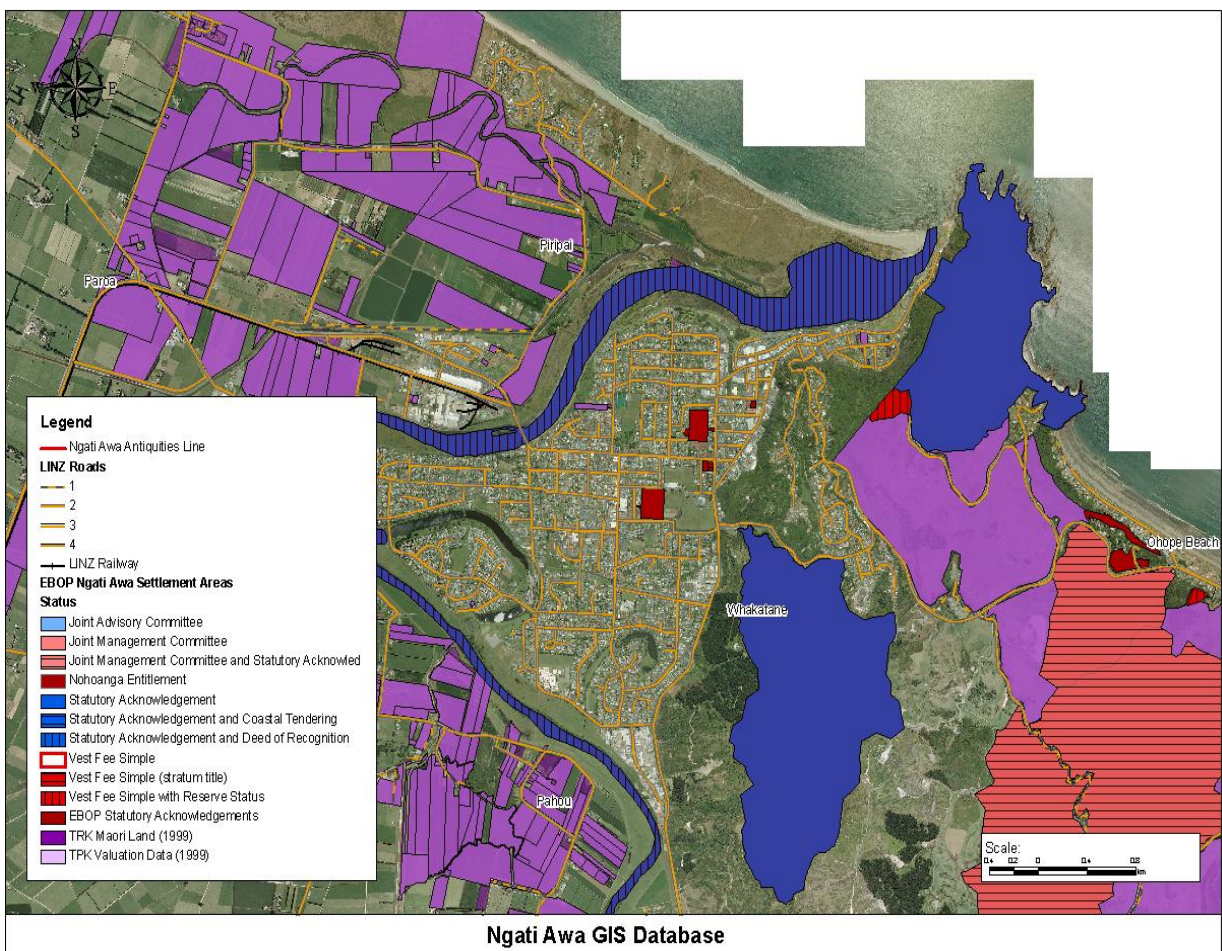
## **General Comments**

- The high proportion of Maori population in this district places an additional responsibility on the Council to ensure it is appropriately representing the views of that community in the decision making process. The need for appropriate Maori and iwi representation at all levels of Council must be a priority for Council.
- Council must be better prepared to recognise and provide for the views of iwi through its planning and consent processes. The transfer of significant assets through the Treaty settlement process will empower iwi to participate in decision making more than ever before. Current approaches to seeking iwi input and advice into the planning and consent processes must be amended to avoid the potential for unnecessary delay and dispute between Council, iwi and applicants.
- Council long term planning must take account of the fact that the Maori population is growing at a faster rate and is significantly younger than the general population. As both these groups are usually under-represented in local government process more effort needs to be made by Council to address the disparities.

- The district planning and consenting regime must seek to accommodate iwi views as an integral part of the process. It is unreasonable to expect iwi to continue to contribute their own funds to assist Council to meet its obligations under the Resource Management Act and Local Government Act. Mechanisms exist within both Acts to improve the efficiency and quality of both processes.
- The creation and development of iwi economic entities provides an opportunity to drive economic development in the district. The characteristics of these groups are inter-generational perspectives, strong connections to the district and commitment to delivering value to their communities. As a result, iwi provide a natural partner to Council in the development of the town and the district. However Council needs to invest time and resources into building a relationship of mutual trust and respect before iwi will engage.

## SUBMISSIONS

The following map shows that Te Runanga o Ngati Awa and Ngāti Awa lands trusts either own, hold statutory acknowledgements or have significant relationships with land and resources surrounding Whakatane town.



Any integrated urban growth strategy proposed for Whakatane town must recognise that Ngāti Awa is a major stakeholder in the future of the town.

Council is encouraged to engage in meaningful consultation with Te Runanga o Ngati Awa and Maori land trusts whose lands are identified in the preferred option within the strategy.

Council is also encouraged to ensure landowners adjacent to or sharing road access and reticulated systems and amenities with lands with growth potential are also consulted as these folk will be affected by traffic, infrastructural changes and rates rises that will result from development.

Council is urged to ensure that its staff is fully informed and familiar with Maori land tenure matters so that there is a greater institutional understanding of the issues faced by owners of multiply owned land.

## **Principles**

The draft principles are supported (in principle) however the implications identified alongside them must be the subject of further consultation with Ngāti awa and its affiliates.

Ngāti Awa agrees that the focus on development that is contiguous with existing development is a sound planning principle. However the Council needs to be mindful that trusts may be in different stages of readiness to undertake development. This may result in a non-contiguous manner.

Infill development is not supported in the Wairaka area by the hapu and marae there. For that reason, and in the spirit of Principle 9, Te Runanga o Ngāti Awa requests that council ensures through the District Plan review that infill housing in the Wairaka area is regulated and assessed by a consultative process that requires early and ongoing consultation at Wairaka Marae.

Structure planning is supported as an appropriate method for urban growth planning as it provides that capacity to address issues in relation to the management of growth and development in the Whakatane district.

Structure planning therefore provides the opportunity to trouble-shoot issues with affected parties before applications for consent or plan changes are lodged. This in turn assists in minimising the amount of resource both Council and affected parties outlay in considering applications for consent or plan changes, particularly those proposed by private developers.

Principle 5 is strongly supported by Te Runanga o Ngati Awa. Indeed it is imperative to Ngati Awa that the urban environment continues to reflect the cultural and historic heritage of Whakatane town and district.

Principle 8 is also supported. Te Runanga o Ngati Awa promotes with Council its rezoning of the old Telecom site at Toroa Street in Wairaka, and the area of land to the rear of Wairaka precinct from residential to business zone to enable the completion of the Mataatua Whare and complex. This is in line with the former and current predominant use of the area.

It should be noted that early, ongoing, extensive and positive consultation continues to be undertaken at Wairaka Marae on these points.

Protection and enhancement of green open space is also supported.

We note here that there are several pcp/dioxin contaminated sites in and around the Whakatane township that must be identified and remediated before urban growth development are undertaken. These sites and their management must feature in the methods and actions to be taken in addressing growth management issues in Whakatane.

Such methods must include joint processing of applications for resource consent with the regional council, and assessments of proposed activities by the Contaminated Sites Working Party (including Ngāti Awa, SWAP, PHO, OSH, WDC and EBOP) and Te Runanga o Ngāti Awa.

In terms of the rate of growth Ngāti Awa agrees that it will be important for Council to undertake research into the demographic make-up of Whakatane town in order to forecast future growth needs. It will be important therefore to understand what might occur should members of the Māori district community choose to return to their takiwa in later life. This particular study may not have been considered in the review undertaken by Beca in July 2009. Council is encouraged to ensure this research is undertaken.

Ngāti Awa invites Council to commission Ngāti Awa to undertake such studies for district council.

### **Comparative Assessment of Whakatane Growth Options**

Whakatane District Council is encouraged to expand on constraints assessments by requesting the involvement of:

- regional council staff familiar with river management issues, pcp/dioxin contaminated sites issues, natural hazards issues
- Te Runanga o Ngati Awa and Māori Land Trusts

In this way various issues that are familiar to these staff and groups will be available to inform Whakatane District Councils urban growth strategy.

### **Remittance of Rates**

Te Runanga o Ngati Awa recommends the development of rates remission policy that recognises the difficulties associated with the development of Maori land.

Māori land is usually owned multiply and as tenants in common. It is affected by rules relating to preferred classes of alienee which causes Māori land to be subject to stringent tests by the Maori Land Court when proposals for alienation by way of sale, lease or other instrument is proposed.

It is under these circumstances that trustees, if appointed, work to secure the land and its ability to bear income. When aspirations for development are expressed by Maori land owners and trusts, the way forward is not as easy as it is for owners of general land.

Loans to support development initiatives are hard to attract. Saving to support those initiatives is even more difficult to achieve as the income remaining after rates have been paid is small.

If zoning of land occurs then it usually heralds a new calculable rating value also, which contributes greater difficulties to Maori land owners and their trusts that aspire to develop their lands for the benefit of their owners.

Another issue is that when zone changes occur, those lands can be targeted by developers who seek to relieve the Maori land owner of the burden of developmental costs, but which also relieve them of the opportunity to develop the land themselves.

A Rates Remission Policy that allows for re-zoning of land but that does not attract higher rates due to the new zoning and that avoids the loss of that land to other developers, is required. It is recommended that increased rating calculations should not occur where land has been rezoned, until there is a demonstrable intent on the part of the Maori land trust to develop, which should trigger the timing for the new rate to be charged.

Such a policy would assist Māori and Council to meet the requirements of Te Ture Whenua Māori 1993, the purpose of which:

- ‘Facilitates and promotes the retention, use, development, and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants, and that protects wahi tapu.

### **Preferred Option**

Subject to the ability to utilise a rates remission policy as outlined above, Te Runanga o Ngati Awa wishes to add the following specific areas on Ngāti Awa farm to the preferred options map identified through the draft urban growth strategy:

- a. Maraetotara
- b. The ridge line behind Ohope
- c. Otarawairere Road
- d. Hillcrest

In addition we seek a change to the current designation of the Wairaka corner, Telecom site and Army Hall to a more appropriate commercial or business zoning

Ngāti Awa also seeks a zone change for Ohope School to a residential zone.

We acknowledge that Council staff have confirmed that late submissions resulting from meetings to be held at Taiwhakaea and Te Hokowhitu a Tu Marae will be accepted.

We look forward to further discussions and consultations on the draft Whakatane Integrated Urban Growth Strategy.