



18 July 2024

Dear Liz,

**Re: RC 2240463-RMALUC Arawai Ltd**

I have been asked to provide a brief note with respect to some of the objections received to date regarding the above resource consent.

I also address the s92 request for information points provided on the 01<sup>st</sup> July 2024.

**Objections**

With respect to the Hinemoa Poa Whanau Trust I respond as follows:

- There is a claim of a proposed road through Okokori B. This is not shown within any known plan sent into Council for consideration.

The history of this matter is well traversed in Maori Land Court documentation which can be provided on request.

In short, there have been historic discussions of roading provision through Okokori B to reach Okokori A.

This never eventuated because the owners of Okokori A were not prepared to pay costs associated with access, despite the offer from the Owner of Okokori B to carry out vegetation clearance.

Following this, Sir Hek confirmed that no formal access would be provided. No visitors will be allowed to visit Okokori A. This remains the current position of the Hekenumukai Nga Iwi Trust to whom the bulk of Okokori B was bequeathed.

To undertake this access is not within the scope of the consents sought nor would it be beneficial to the voluntary predator control efforts being undertaken on Okokori B.

- Please refer to the Consultation Record. There have been considerable attempts to engage which I flesh out below.
- The land claim aspect is not a resource management issue. I would advise reviewing of the Maori Land Court reports for background information and a clear decision on this matter.

- Proposed buildings are not on the border of the two Okokori allotments. There is ~100m clearance.
- Environmental effects are addressed in the AEE. The aspects of concern are alleviated through the proposal or not existing to the level / degree outlined in the objection.

Those matters pertaining to water quality and discharge of stormwater / wastewater are all appropriately managed by way of consents from the Northland Regional Council [NRC].

There have been no monitoring complaints or compliance sought from Arawai with respect to existing wastewater systems.

The TP58 Report within the AEE sets out the factual site conditions and the effects resulting from the proposed system. The relevant aspects of this report are engrained within the NRC Decision. This is attached for reference [**Appendix 1**].

With respect to Ngati Tara I respond as follows:

- With respect to the brief email exchange and pamphlet received by Ngati Tara, this aspect is ongoing between the applicant and this hapu but should not hold up the consent application as there is Cultural Effects Assessment that now supplements this application.

The Cultural Effects Assessment fills the information gap outlined by the Hearings Commissioner in the previous application. The report writer, Tina Latimer is of Ngati Tara descent.

She and the applicant were met with road blocks [similar to those outlined throughout the entire RC process] when looking to engage with the hapu on its contents.

That assessment confirms that cultural effects are **less than minor**.

- I refer back to the principles laid out in *Land Air Water Association v Waikato Regional Council* as I outlined in the AEE and consider these in light of the consultation record produced and provided.

Of relevance is principle [iv] *While those consulted cannot be forced to state their views they cannot complain, if having had both the time and opportunity, they for any reason fail to avail themselves of the opportunity.*

The consultation record sets out the multiple opportunities for each party to undertake consultation.

In my view Ngati Tara has prevaricated for the past two years and have not acted in good faith. Responses and meetings are set up initially and are followed with limited responses from Ngati Tara.

When the meetings are close to taking place, the applicant is disinvited or is demanded to meet certain conditions on such meetings.

The most recent consultation proposal for June 2024, was initially discussed in October 2023. When the applicant followed up in December 2023, the hapu simply said they had been busy.

It is not reasonable for a meeting to take 9 months to organise.

It is clear that Ngati Tara is not acting in good faith and is operating on a demand basis.

The standard tactic has been to engage, delay, and defer. This is clear in the multiple stop/start engagement opportunities outlined in the Consultation Record.

As soon as Arawai lodged the application, there was an instant objection and the withdrawal of an invitation to meet the hapu at the marae and no replacement was subsequently offered. So there appears to be little capacity to consult with the applicant but plenty of capacity to object.

These objections have little bearing in terms of resource management because at the heart of their concerns appears to be a land ownership claims which are not within scope of this RMA application. In addition, those matters have been well and truly traversed by the Maori Land Court.

Arawai throughout the entire process have tried to engage and consult with the parties. In terms of consultation associated with the Cultural Effects Assessment the Ngati Tara response came with a demand.

This is contrary to principle [viii] *Neither party is entitled to make demands.*

My view of the consultation record, both leading up to the lodgment of the previous consent, and now this application, is that the applicant has:

- approached the consultation process with an open mind;
- approached consultation with fairness – allowing hapu to carry out their own process whilst also allowing for various opportunities for meetings on site.
- proposed to give information in a timely fashion; and
- gave Ngati Tara every opportunity to state what information they want and to put forward any matters they wished.

Despite minimal consultation being able to take place for the reasons outlined in the Consultation Record, it is now appropriate for a decision to be made on the substantive resource management matters at play.

Consultation cannot go on indefinitely when the responses to objections by Ngati Tara have been appropriately responded to. In other words, what else is there to discuss that hasn't already been raised?

Sufficient time has passed and opportunities and the applicant is becoming seriously affected with the prevarication of this matter.

All of the RMA issues raised by Ngati Tara can all be appropriately mitigated to levels appropriate under the RMA. The application can be determined on this basis.

## **Section 92 Response**

1. The previous consent [RC2300463] contained NZTA approval for the activity that is proposed within this application [as well as additional buildings].

It is only sought to consent the Whare Whetu and promote a technical acceptance of the previous decision which has been considered as lapsed.

The traffic movements letter from 2012 is superseded by the more recent written approval found within RC 2300463 from Tim Elliott - NZTA. The snip of this is below:

---

**From:** Tim Elliott <[Tim.Elliott@nzta.govt.nz](mailto:Tim.Elliott@nzta.govt.nz)>  
**Sent:** Wednesday, 18 December 2019 11:31 AM  
**To:** Bruce Hawkins <[Bruce.Hawkins2@nzta.govt.nz](mailto:Bruce.Hawkins2@nzta.govt.nz)>  
**Subject:** RE: Traffic assessment

Hi Bruce

From my perspective and based on the previous e-mail this brief is enough for me – they have provided the expected traffic volumes and are looking to either go with a diagram D or E, the only missing part is how we deal with the limited sight lines. I'm happy to work with them on this so we can reach a suitable solution so they don't need to pay for a TIA .

How does that sound?

Regards

Tim

As I understand this matter was not in contention in the previous resource consent application. The figures from this application have been taken from the last one.

There are less components in this consent, so their approval remains relevant. No traffic assessment is / was required.

All works associated with the NZTA requirements on Ōkokori B have been completed. This includes the works regarding sightlines located on Lot 1 DP 41634.

2. Apologies as this has been missed. I confirm the breach for that system [on the basis that this refers to the septic tank, but not the main facility – please refer to the As-Built attached at **Appendix B**]. I confirm the breach for that system but note that there have been no known operational issues resulting from its location. It has been in place for some time with no known issues.

With respect to the written approvals of Larry and Fiona Matthews, these can be resought if required [i.e if you believe they are affected].

If I am to reconsider those parties, given the large separation distances, existing development already constructed and the rural nature of those allotments my assessment is that they would not be affected by the proposed development.

I trust the above clarifies matters.

Regards,

A handwritten signature in black ink, appearing to be 'Steve Sanson'.

Steve Sanson

Director

+64 21 606035 | [steve@sansons.co.nz](mailto:steve@sansons.co.nz)