

Form 7 Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To The Registrar
Environment Court
PO Box 7147
Victoria Street
Auckland 1142

I, **Delilah Parore-Southon on behalf of Te Raranga a Te Kuihi Trust** (who are mandated to act for, and on behalf of, Te Kuihi hapu) appeal against a decision (or part of a decision) of the Kaipara District Council on the following Private Plan Change:

Private Plan Change 81 - Trifecta Development Area (Dargaville Racecourse)

Te Raranga a Te Kuihi Trust made a submission on that private plan change. We are not a trade competitor for the purposes of [section 308D](#) of the Act.

I received notice of the decision on **7/09/2023**. **The decision was made by the Kaipara District Council in an elected members meeting dated 30 August 2023.**

The decision (or part of the decision) that I am appealing against is:

The Kaipara District Council gives notice that it has, based on recommendations by the Hearing Panel, made its decision at the Council Meeting on 30 August 2023 to approve the Private Plan Change 81 application.

That the Kaipara District Council:

a) Accepts the recommendations of the Hearings Panel in Attachment A and adopts the recommendations as the Council's decisions on provisions and 2 matters raised in submissions, pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991.

The reasons for the appeal are as follows:

At the time of the hearing process for PPC81 there were 3 independent submissions offered and presented to the commissioners. One was from Te Raranga a Te Kuihi Trust, the second from Te Whanau a Parore and the third from Te Houhanga a Rongo Marae. Each separate entity had and has whakapapa to and continued interest in the medium and long term outcomes of the Plan Change. The overall issues follow:

- We have collective concerns for lack of amenities for tamariki and rangatahi and insufficient green space areas within the site (to allow their engagement in active lifestyles)
- The Tripartite group stressed that PPC81 site residents would use sporting facilities but there is no public transport in the town so access would be limited.

- As manawhenua in Dargaville township, and kaitiaki of the area, we have concerns with additional pressure on existing and aged infrastructure, there are already issues with water and sewage across the township (Most recently the devastating events during Cyclone Gabrielle have highlighted the inconsistency in planning for climate change resilience)
- Lack of connectivity to Dargaville township
- Waka Kotahi identifies a need for changes to be made to the intersection to accommodate increase in traffic
- The Maori population in Dargaville and surrounding districts is growing and there needs to be consideration for the future development of children within the region
- Unresolved issues with land tenure, and a pending WAI 188 claim with the Waitangi Tribunal
- Lack of consultation with manawhenua

We note that all persons exercising functions and powers under the Resource Management Act are required to recognise and provide for seven matters of national importance set out in section 6. This includes [section 6\(e\) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.](#)'

Section 7 of the Resource Management Act sets out 'other matters' which persons exercising functions and powers under the Act must 'have particular regard to'. This includes section [7\(a\) kaitiakitanga](#).

With this, and noted in our support of original submitters Donald and Adrienne McLeod 13.1, 13.2 Dargaville Community C/ Roger Rowse 17.2, 17.4, 17.5, 17.7 covering concerns of safety, and further environmental matters. To conclude, there has not been **proper formal consultation** for resource consent from Kaipara District Council and key stakeholders with mana whenua Te Kuihi in relation to this land and further the development of it.

Te Kuihi hapu (as well as Te Whanau a Parore) have an unprecedented interest in this whenua highlighted by the PPC81 and the activity which is proposed to take place here. Our whanau has a pending **WAI 188 claim with the Waitangi Tribunal** as this was originally whanau land that was gifted by our tupuna, great Northern Rangatira Parore Te Awha to the Racing Club for the purpose of a racecourse. It is our understanding, and common knowledge that once the whenua was no longer used for that specific purpose then it would revert back to the Parore whanau to honour that original agreement.

We have affidavits, written research, and historical records to accompany this claim from our hapu and wider whanau. We would require that the interests of the whanau and the wider community, particularly Maori are served, and the formal RMA consultation process is followed. We have been inadequately consulted since the beginning of the submission process. Adequate and appropriate provision for whanau, rangatahi and tamariki needs for positive wellbeing, weaved with the lack of infrastructure and connectivity to the township is evident.

The Resource Management Act requires the Minister for the Environment to seek and consider comments from relevant iwi authorities when preparing a national policy statement.

With that, we believe that the strict requirements of the Resource Management Act have not been adhered to. The Resource Management Act requires local authorities to consult local tangata whenua, through iwi authorities and take into account any relevant planning documents recognised by an iwi authority when preparing a policy statement or plan. We believe the relevant authorities were not consulted with and the planning documents did not take into account the strong opposition from mana whenua.

It advises that local authorities (Kaipara District Council) must also provide iwi authorities with a copy of the relevant draft proposed policy statement or plan, allow iwi authorities adequate time and opportunity to consider the draft document and provide any advice, and have particular regard to any advice received from those iwi authorities on the draft document. Section 32 evaluation reports must summarise all advice reviewed from iwi authorities on the proposal, and how the proposal responds to that advice. Te Raranga a Te Kūihi and its beneficiaries do not believe that these guidelines have been adhered to or followed.

I/We seek the following relief:

I/We seek relief from the Environment Court in overturning the decision made by Kaipara District Council for the Private Plan Change 81 (PPC81). Te Raranga a Te Kūihi seek a fair and formal consultation process in accordance with what is outlined within the Resource Management Act Section 8 which requires that all persons exercising functions and powers under the Resource Management Act take into account the principles of the Treaty of Waitangi. And, furthermore more enhanced consideration to the strong concerns of mana whenua Te Kūihi, who are Kaitiakitanga and have an unprecedented interest in the protection of whenua land for future generations. Additionally, while we understand this process will not address land tenure issues we must advise that this is an issue and the pending WAI188 claim by Te Kūihi is ongoing.

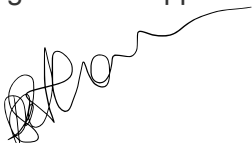
I attach the following documents* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Date: **Tuesday 31st October, 2023**

Signature of appellant



(or person authorised to sign on behalf of appellant)

Address for service of appellant:

Telephone: + 64 22 173 8239

Email: tekuihi@outlook.co.nz

Contact person: [Delilah Parore-Southon - Trustee](#)

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- In the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under [section 55\(2B\)](#), may consider only the question of law raised.

You must lodge the original and one (1) copy of this notice with the Environment Court within **30 working days** of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by [regulation 35](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 presently \$600.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within **30 working days** of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within **5 working days** after the notice is lodged with the Environment Court.

Within **10 working days** after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within **15 working days** after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

- within **20 working days** after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).

***How to obtain copies of documents relating to appeal**

The copy of this notice served on you does not attach a copy of the appellant's submission and (*or or*) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.