

Submission on the Proposed Auckland Unitary Plan 28 FEB 2014

SEND TO: unitaryplan@aucklandcouncil.govt.nz

CENTRAL - CIVIC

MUST BE IN BY 28TH FEBRUARY 2014 or you can drop off to Library or the Ward Office.

Name -Name Sharon Lee Stewart

Scope of submission

The specific provisions that my submission relates to are:

- *Part 1 Introduction and Strategic Direction >> Chapter B – Regional policy Statement*
- 1.4 *Addressing issues of significance to Mana Whenua*
- *Part 1 Chapter B 5 Addressing issues of significance to Mana Whenua*
- *Part 1 Chapter B Clause 5.1. Recognition of Te Tiriti o Waitangi partnerships and participation*
- *Part 1 Chapter B 5.4 Protection of Mana Whenua culture and Heritage*
- *PART 2 REGIONAL AND DISTRICT OBJECTIVES AND POLICIES>>Chapter C >>Auckland wide objectives and policies>> 2. Mana Whenua*
- *Part 2 Chapter E Overlay Objectives and Policies >> Section 5.1 Sites and Places of Significance to Mana Whenua, and*
- *5.2 Sites and Places of Value to Mana Whenua*
- *PART 2 REGIONAL AND DISTRICT OBJECTIVES AND POLICIES Chapter C >> 5.15.1 Water quality and integrated management*
- *Part 3 Chapter G Section 2.7 Clause 4 Cultural impact assessments*

Property address: Your Address 21 Treeway, Sunnyhills, Pakuranga, Auckland 2010

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

• I oppose the specific provisions identified above

Yes

The reasons for my views are:

1. There has been no mandate sought from the public for the major constitutional change that the Proposed Plan contains, nor has there been any significant publicity setting out in plain terms the major constitutional changes that the Proposed Unitary Plan contains, nor has there been sufficient or widespread Council initiated public consultation. The late intensification changes to the Unitary Plan which have not been widely circulated to the public, specifically Zone planning changes in the Pakuranga area. Especially Pakuranga Sunnyhills, Buckland Beach Farm Cove and Half Moon Bay which has been upzoned from the single house zone to a mixed housing. Which will cause ad hoc

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development which will have significant negative impact our suburban character. The public submitted on a MAP that showed the above areas as Single house zone thus no one submitting on the change not viewed by the public to submit on The ability of Watercare Services Ltd to cope with the projected increase in population in providing adequate water and sewerage facilities.

- The ability of Auckland Transport to cope with the increase in roading and parking to support the projected increase in population (*"The two bridges across the Tamaki River carry more than 120,000 vehicles a day, more than State Highway One through Victoria Park. They also have more freight traffic than any other corridor in the country." H&P Times 12/4/2012*)
 - The ability of Waipuna and Panmure bridges to take the projected increase in traffic.
 - The ability of people to leave the area in the event of a natural disaster, eg volcanic eruption.
 - The additional requirements for health and educational facilities to be provided to support the projected population increase.
 - Sufficient land available for open green spaces and for additional sports fields.
 - We would like evidence to support the need for an additional 300,000 dwellings in the Greater Auckland area.
 - The suggestion that future section sizes for dwellings will be reduced from 400sq.m to 200sq.m.
 - The lack of democracy in Auckland Council decisions in that non-elected members are influencing some of the outcomes of Council Committee decisions.
 - The haste and timing of the consultation period for the changes to the Unitary Plan, mainly due to the Christmas period when a lot of people are away on holiday.
 - A major concern is the complexity of the Unitary Plan for the lay person to disseminate and understand its provisions which is beyond the scope of the average Auckland constituent.
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- There has been no mandate sought from the public for this major constitutional change. In fact, there has been very little public discussion, let alone consent.
 - Adopting policies such as equal partnerships, co-management, the transfer of powers, and the establishment of joint management agreements, would make it impossible for our democratically-elected Council to act in the best interests of all Aucklanders.
 - There are no obvious limits to the rights to be enjoyed by Mana Whenua and no definitions of "ancestral lands, water, air, coastal sites, wāhi tapu and other taonga". It is feasible that the 19

local tribes consider they have an ancestral connection to every aspect of Auckland and its surrounds.

- The extensive list of "sites of value and significance to Mana Whenua" are unsubstantiated. The powers they give local iwi over homeowners are undefined and unrestricted. This totally undermines private property rights and our personal security.
- *The Auckland Council is transferring truly extensive political and financial power over much of Auckland to private interests. These iwi representatives are unelected by and unaccountable to the wider community (and often, not even their own constituents). This severely compromises both the principle of equal citizenship and our democracy.*

Many of these sites have been farmed, subdivided, built on and planted by their owners for generations. The features suddenly needing new levels of protection are often not explained in any way.

* Note: 3,600 of the above sites of value/significance have appeared, with more to come.

Iwi Approvals Required

Should landowners want to do anything on such a site and thus need a Resource Consent, they are first obliged to engage with iwi to see if they consider there's a need for a Cultural Impact Assessment (CIA) or an Archaeological Assessment (AA). Iwi approval may be required for any removal of native vegetation, even if it is only a tiny plant.

The Council will give the landowner the Iwi Authority contacts to engage with. There could be any number of these. Six is not unheard of and 12 are possible in some areas. This is on the basis that the Resource Consent process can't start until landowners have obtained CIAs or alternatively, written confirmation that none was necessary from each of the nominated Iwi Authorities. This is all about money. Not enough understanding of the serious implications...

Anecdotal evidence is that the process is messy, undefined and dodgy – For example:

- This takes considerable time. Reportedly it is taking several weeks or months for Iwi Authorities to reply to a landowner's initial approach. In some cases, they do not reply at all.
- Some Iwi Authorities will want all the Resource Consent documentation. They may also ask for an Archaeological Assessment costing thousands of dollars for a site that isn't even considered a Significant Heritage Area. Even if the Council advises that this is not required, Iwi still have the authority to insist.
- Each Iwi Authority comes up with its own costs for these services. Some figures quoted by individual Iwi have been \$nil, \$450, \$1,500 + GST or from \$1,500 +GST upwards. One couple found they could be spending up to \$10,000 among several Iwi Authorities when it was still unclear

whether any assessment was necessary at all. This even before paying for the official Resource Consent.

- In one case a representative of an Iwi Authority asked that the payment be made into a personal bank account, with no invoice nor mention of documentation.
- The number of Iwi Authorities with actual historic links to the site can be questionable. There have been reports that some Iwi are displeased that other tribes are involved.
- While an 'engagement' may be all about one issue (trees, for instance), Iwi can still take the opportunity to examine the site for any evidence of a Maori presence, e.g. middens, terraces, etc. Any such discovery would, of course, expand the whole process.

Where Does Council Stand on This?

Nobody in the Auckland Council seems to know what is involved or how much the process should cost.

- Council staff don't even know which are the relevant Iwi Authorities to approach for a CIA, nor if they have the correct contact details, let alone whether the contacts are qualified to perform assessments.
- The tribes have no regulations or guidelines to follow, or limits on the fees they can charge.
- It is reported that some Council staff are concerned, and feel the process is unreasonable.
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- *These layers of private property restrictions have been slipped into Auckland's bylaws without any explanation of what they are, and what they are protecting. There has been no community education and discussion about them, let alone any mandate given to impose them. Most Aucklanders wouldn't have a clue whether their properties are affected.*

These restrictions give Iwi Authorities undefined, unspecified rights to come onto private properties, search around for something/anything, make recommendations about what can or can't happen there, and charge as they see fit. This situation affects well-established residential properties as well as new ones.

- 2. The Proposed Plan is lengthy and complex and requires many hours of study to begin to understand it. Citizens should be able to expect a simplified version so the main elements of the Proposed Plan may be readily understood. Instead important sections are buried in a web of complexity.**
- 3. There has been no mandate sought from the public for the policies of equal partnerships, co-management, transfer of powers, the establishment of joint management agreements and the pre-eminence of Maori values and culture above all others throughout the Proposed Plan. These will make it impossible for our democratically-elected Council to act in the best interests of all Aucklanders.**
- 4. The provisions for equal partnerships, joint management and a transfer of power to Mana Whenua threaten our society which is based on legal equality and secure property rights.**
- 5. There are no obvious limits to the rights to be enjoyed by Mana Whenua and no definitions of "ancestral lands, water, air, coastal sites, wāhi tapu and other taonga". It is feasible that the 19 local tribes consider either now or subsequently they have an ancestral connection to every aspect of Auckland and its surrounds. There is no mandate for these new rights and therefore there is no legal or political authority for them.**
- 6. There are no limits to the charge-out rates that Mana Whenua are permitted to levy ratepayers and property owners for Cultural Impact assessments and associated work.**
- 7. The structure and process of the Proposed Plan leaves significant opportunity for not only corruption in the future but also sets out the potential for never ending demands by Mana Whenua for further and increased rights and powers. There is no mandate for continuing demands to be considered by Council and therefore there is no legal or political authority for them.**
- 8. The extensive list of "sites of value and significance to Mana Whenua" are unsubstantiated. The powers they give local iwi over homeowners are undefined and unrestricted. This undermines private property rights as well as citizens' personal security. There is no mandate for these powers and therefore there is no legal or political authority for them.**
- 9. Auckland Council is transferring significant political and financial power over much of Auckland to private interests. The iwi representatives are unelected by and unaccountable to the wider community and may not be accountable to their own constituents. There is no mandate for this and therefore there is no legal or political authority for it.**
- 10. The provisions of the Proposed Plan specified in this submission severely compromise the principle of equal citizenship and also our democracy. There is no mandate for this and therefore there is no legal or political authority for them.**
- 11. There has been no public nor majority consent sought nor obtained in respect of the Proposed Plan, therefore there is no mandate for it and therefore it has no legal or political authority.**
- 12. The transfer of rights, power, co-governance and the ability to charge property owners for unwanted services of dubious value by one group defined by race alone may be seen as**

un democratic, as introducing a form of economic and social apartheid and as what may be seen in the future as electoral fraud.

13. For all the above reasons, Auckland Council must put the Proposed Plan on hold pending widespread revision of both the Proposed Plan itself to take account of the above points, and the to date undemocratic process of implementation, pending a binding citizen's referendum on the above matters as well as any other matters raised in other submissions .

14. It is critically important that Auckland Council takes sufficient note of all submissions on the Proposed Plan and makes amendments to reflect the contents of these. Any failure to do this may make the submission process invalid, and may render the Proposed Plan a legal and political nullity.

15. It may be seen in law that the duty of care referred to in the previous paragraph is akin to the fiduciary duty of a trustee. Should this be the case, Auckland Council appears to have a responsibility to not allow far reaching proposals involving significant change such as those contained in the Proposed Plan to proceed except when these clearly have the support of a clear majority of citizens through an election or independently set up binding referendum.

16. The Proposed Plan refers to the Resource Management Act (RMA) as the authority for many of its proposals relating to Maori. Auckland Council again appears to have a duty of care to ensure that the RMA is not misrepresented and that novel interpretations are not used to justify a radically new and undemocratic co-governance regime for Maori alone.

I seek the following decision by Council:

Decline the Proposed Plan. or if at a minimum proceed as outlined below:

If the Proposed Plan is not declined, amendments must be made to remove any special rights, equal partnerships, powers, co-governance or authority given to any section of the community and to any section of the community that has not been democratically elected, to address all the concerns raised in this submission.

I wish to be heard in support of my submission:

Yes/No

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Yes/No

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of part 1 of Schedule 1 of the Resource Management Act 1991

I could not gain an advantage in trade competition through this submission

I am not directly affected by an effect of the subject matter of this submission that:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

Signed-- Sharon Stewart

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