

Form 5 Submission on notified proposal for policy statement or plan, change or variation

[Clause 6](#) of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of submitter: Jackeline Wharewera

This is a submission on the following change proposed to the plan:

Whakatāne District Plan - Plan Change 2: 23 and 45 Keepa Road

Trade Competition

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

If you could gain an advantage in trade competition through this submission, please answer the following:

I am directly affected by an effect of the subject matter of the submission that—
adversely affects the environment; and adversely affects me as an occupant on the land adjacent to the subject land.

The specific provisions of the proposal that my submission relates to are:

[give details]

My submission is:

I oppose the proposed Private Plan Change 2 to the Whakatane District Plan.

I oppose it based on the existing Maori Freehold Land, Te Hokowhitu Marae, the occupied houses and the contaminated sites of land that are recorded within the property boundary of the subject land.

The Kopeopeo Canal and sites of contamination in these blocks pose a serious health risk to the community that already resides at Te Rahui and to the people who will purchase land and reside in the residential houses on this subdivision.

There are 3 recorded contamination sites on the subject land. The Kopeopeo Canal is also contaminated. I have read section 6.1 of the proposal plan change and do not consider it appropriate to allow residential development on contaminated land without addressing the contamination issue.

The whanau that associate with the whenua and Marae have a large and varied history of illness ranging from

- Breast cancer
- Lung cancer
- Cervical cancer
- Throat cancer
- Prostate cancer
- Endometriosis
- Diabetes
- Chronic pain
- Asthma

- Skin conditions
- Anaemias associated with exposure to dioxins (A plastic anaemia)
<https://www.ncbi.nlm.nih.gov/pubmed/2106570>
- Our whanau far exceeds the NZ 'Acceptable Risk Level' for cancers an 'Acceptable risk level' is used to define the acceptable increased risk, with an acceptable increased risk level of 1 in 100 000 used in New Zealand.

These illnesses have meant that as a whanau and marae community we have experienced painful and inconsolable loss that has torn through our cultural knowledge, leaving us with gaps on our paepae, and difficulties in passing our tikanga down to the younger generation. Our wellbeing has been largely affected as stated, the generation before me in my family alone has 13 children who survived into adulthood. 7 of the 10 Males of this set have had or still have cancer, that alone is well above the NZ 'Acceptable Risk Level'. We have diabetes, chronic pain and illness, thyroid issues in this generation set. In the next generation we have endometriosis, respiratory illnesses, a cancer death and we wait with baited breath to see who will be next. I can only talk about what is happening in my immediate whanau group, but this is not a unique issue in our wider whanau, we have lived like this for years and I don't wish for others to suffer as we have.

- There has been insufficient investigation as the actual /potential effects to human health if people were to reside in houses in this area. Research should have been undertaken as part of a feasibility/scoping report to determine the level of risk posed to potential landowners. *Pg.27 Derivation of Risk based Soil Guideline Values for Selected Contaminants Associated with Former Mill Wasted in Whakatane, Environment BOP Delineation & Risk Assessment. Mill Waste Disposal Sites 24a & 24b Keepa Road.*
- If these investigations have already taken place as part of the justification from the proposed plan change, please supply these to Te Hokowhitu a Tu Marae Committee.

I have lived on this land 30 of my 43 years at 46b State Highway 30. It is my source of power and peace and it is a place I love deeply as a part of me. Even with the adverse affects on our health I have persevered on this land. I have built my gardens above ground, I have given up putting my hands in the soil that my Mum and Dad loved. I have been vigilant with dust in our whare as I have no idea what it may contain. I have tried my hardest to protect my whanau from the adverse affects of our surrounding environment and now with this submission I'm trying to protect their future from the adverse affects of living in close proximity to people who will potentially view us and our ways of life as bad or alien.

I seek the following decision from the local authority:

For the safety of families living adjacent to subject land and families that may purchase that land and establish homes and gardens there I recommend

- More investigation of sites of contamination

- Testing of soil at the developer's expense at 46b State Highway 30 due to the nature of rain runoff onto the low-lying areas of that block from a known and identified contamination site which has been built up by the developer.
- Testing of roadway (what we called the black road) owned jointly by Marae and Wharewera whanau for any contamination and if proved contaminated include this in the residential buffer zone
- Areas of contaminated sites and sites up for remediation (dump sites, Kopeopeo canal) be given a 100-metre buffer zone to protect future residents and discourage everyone but primarily children (identified as most at risk, *page 12 Derivation of Risk based Soil Guideline Values for Selected Contaminants Associated with Former Mill Wasted in Whakatane, Environment BOP Delineation & Risk Assessment. Mill Waste Disposal Sites 24a & 24b Keepa Road.*) from entering areas of contamination or possibly coming in contact with contaminants in the Kopeopeo Canal and its banks.
- Adequate fencing around suggested buffer zones to further deter
- Large clear warning signs that describe the contaminant and the contaminated areas
- Achievement of 100% bioremediation on all sites recorded and yet to be discovered.
- Appendix 6 of the proposed plan change is vague and does not identify two other sites of contamination. It also proposes that the contaminated material be once again shifted to another site and not remediated.
- Digging up and shifting of the sawmill waste may further contaminate the surrounding area due to dust movement putting the wellbeing of humans living nearby in danger.
- The summary in Appendix 6 states that the contamination levels on the site meet COMMERCIAL operations guidelines. Once again there is not adequate data to ensure that human occupancy near these sites of contamination is safe.
- The house that stands on the land at 45 Keepa Road is of cultural significance to the Te Hokowhitu a Tu Marae. It is currently in a bad state but is still greatly appreciated and remembered by whanau associated to the whenua and Marae due to it being a one of the surviving original homes that were built before 1940. I ask it be considered that Te Hokowhitu a Tu Marae be gifted as a gesture of goodwill the house and land at 23 Keepa Road from the bottom of the house to the tip of the triangle to use as a capped carpark. The outfall is less than 1 km away from this section and the results from the discharge testing done in 2006 indicate that dioxins are still being discharged sometimes at levels which can be considered as high when comparison to background concentrations in New Zealand. This land could be capped and left undisturbed and provide an additional buffer to industrial and toxicity for proposed residents, and the house can provide for temporary housing for our hapū who are in need, expectant mothers who need a rest from the busy noisy marae, babies and mama who need a place to rest temporarily. This would also mitigate the adverse affect of congestion that will be caused around the Marae (as at present the Marae utilises privately owned land for carparking) and ensure that the Marae is not enclosed by the proposed residential subdivision.
- Address the issue of reverse sensitivity in which future residents be aware that we celebrate family occasions such at banner year birthdays and Christmas gatherings at our home. We have a large family that is on the land often and conduct family game days in which we generate a lot of noise late into the night and early into the morning. We keep livestock and dogs on our land to facilitate sustainability and safety. The livestock will smell as livestock do and dogs will bark

- Give existing properties including the Marae a buffer zone
- Establish a 'Community and Cultural Zone' as the underlying zone most suitable for 23 and 45 Keepa Road, including the strip between Gateway Drive and 23 Keepa road
- In close cooperation with tangata whenua¹, that Whakatane District Council prepares a Structure Plan for 23 and 45 Keepa Road that recognises and provides for RMA section 6(e) matters of national importance that are present at the subject land while also enabling the identification of parts of that land to be appropriately developed as a residential subdivision

Reasons

- Its really important that no one else gets sick
- Its really important that our way of life doesn't get impacted anymore. As I have grown in this place we have
 - had large machinery going past our house from Robert Stones to the Mill.
 - Mr Lysaght flying planes past our house at all hours
 - Mr Lysaght dismantling cars in the yard adjacent to our property
 - Horses that break down fences and trample across our properties
 - Buildings that have gradually obstructed our views
 - A new brewery that generates a great deal of light and noise
 - An adjacent light industrial building that starts up their machinery pre 6 am many mornings of the week and some weekends
 - Loud motorcycles and ride ons being tested early in the morning
 - Signage installed facing our house on our land
 - Erosion of our status as Tangata Whenua by residents of Gateway Drive (yes we are aware there are people living there) who have told me they are the locals.
 - Street racing and burnt outs on Gateway Drive by drunken revellers
 - Being subject as a human and as a witness for this land to all manner of industrial by-products
 - Dumping of materials on or boundary
 - The flowing of water from the newly raised land on our boundary down into our section
 - Noise, dust and fallout from the Mill
- The above reasons also demonstrate as the buffer between light industrial and the proposed residential area we will be subject to more pressures from the proposed development if there are no buffers between existing and proposed residential.
- As we are an already existing buffer if the proposed residential development goes ahead it makes sense to allow the use of/or gifting of the tip of the triangle of 45 Keepa Road as a capped carpark and the frontage of the Marae too. As stated this would mean we are not enclosed on our Northern boundary allowing for our view shafts to Moutohora and Kohi to remain intact and the adverse affect of lack of car parking would be mitigated.

¹ Tangata whenua at this location includes members of the Marae committee, Trustees for Te Hokowhitu-a-Tu Marae, members of Ngati Hokopu ki te Hokowhitu a Tu Hapu including, in particular, Te Arani Barrett, Hapu Representative to Te Runanga o Ngati Awa, whanau members who multiply own Maori Freehold Land (on Rural zoned land) adjacent to the Marae and between the industrial zone and the propose Community and Cultural zone areas

Hearing submissions

I wish to be heard in support of my submission.

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

Signature of submitter (*or* person authorised to sign on behalf of submitter)

Date: 08/04/2018

(A signature is not required if you make your submission by electronic means.)

Contact Details

Electronic address for service of submitter: jackiewhare@gmail.com

Telephone: 021300739

Postal address: 46b State Highway 30, Whakatane

Contact person: Jackie Wharewera

Note to person making submission

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.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

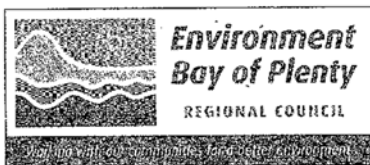
- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Appendix 1: Maps of identified contaminated areas





Diagram 1: Exposure pathways – Delineation & Risk Assessment Mill Waste Disposal



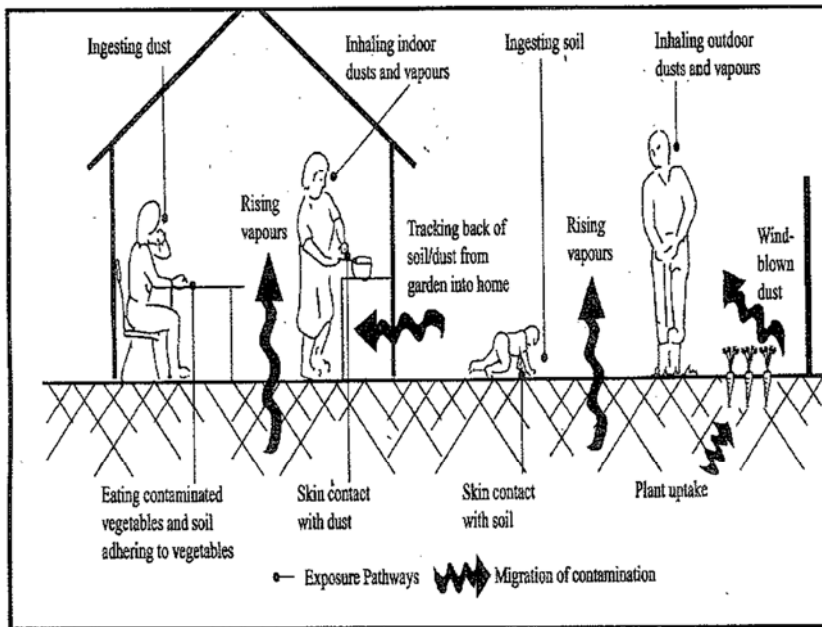
Joe M...
 BAWMILL WORKERS AGAINST
 POISONS INC.



ENVIRONMENT B.O.P

**DELINEATION & RISK ASSESSMENT
 MILL WASTE DISPOSAL
 SITES 24a & 24b - KEEPA ROAD**

FINAL REPORT



- Project Management
- Landfill Management
- Waste Management & Disposal
- Landfill Restoration and Aftercare
- Contaminated Land Assessment
- Environmental Risk Assessment
- Assessment of Environmental Effects
- Environmental Site Audits
- Monitoring Strategy and Implementation
- Data Collection/Data Collation
- Results Analysis and Interpretation

NOVEMBER 2003

Gulf Resource Management Ltd

021082727 07 5442726 rob@gulf-management.co.nz