

I MUA I TE KOOTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURĀU ROHE

**ENV-2023-AKL-000160**

**IN THE MATTER OF** an application for direct  
referral under section  
87G of the Resource  
Management Act 1991

**AND** an application by **ALLIED  
ASPHLT LIMITED** for  
resource consents to  
discharge contaminants  
to air, construct a new  
plant, emit noise as part  
of construction and  
ongoing operations, store  
and use hazardous  
substances, and  
discharge stormwater to  
waste water.

**AND** **TAURANGA CITY  
COUNCIL & BAY OF  
PLENTY REGIONAL  
COUNCIL**

**AND** **OTHERS**

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**STATEMENT OF EVIDENCE OF JOEL HOANI NGĀTUERE**  
**WHAREROA MARAE**  
**11 April 2024**

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## INTRODUCTION

1. My name is JOEL HOANI NGĀTUERE, and I am authorised to give this statement of evidence on behalf of WHAREROA MARAE
2. I am married in to Whareroa Marae and Ngāti Kuku. I whakapapa to Te Wairarapa; Ngāti Kahungunu, Rangitāne, Muaūpoko, Ngāti Rārua, Te Āti Haunui-ā-Paparangi, and Ngāti Porou.
3. I live in Tauranga with my wife, Awhina Ngātuere. Together we have 6 tamariki. The age range between our tamariki is 14 and 2 years old.
4. I am currently employed as Site Manager for Oranga Tamariki Office – Te Āhuru Mōwai: Tauranga West. My office provides care and protection statutory services across Bowentown, Katikati, Tauranga City, Matakana Island, and Taumata areas. I have held this position for 3 years. Prior to this, I was employed with Oranga Tamariki in other leadership roles over the last 6 years. My previous experiences include teaching tertiary and secondary, and 12 years' service in New Zealand Defence Force with Royal New Zealand Navy Dive Team and New Zealand Special Forces Group Commando Counter-terrorism Unit.
5. My academic background includes Bachelor of Arts and Master of Business Administration from University of Waikato.
6. My experience includes governance roles across Ahuwhenua land blocks, social service providers, hapū entities, Bay of Plenty District Health Board sustainability steering group, and within the horticulture sector.
7. My wife, Awhina Ngātuere (nee August), and I have six children aged 14 to nearly 2 years old. We used to own and live at the family homestead, 11 Taiaho Place, Whareroa. We intended to raise our tamariki at their marae and surrounded by their daily cultural practices. However, we were forced to move our family away from their marae, as our children were continuously getting sick from the pollution to our air, land, and water. We were also forced to leave our marae and papakāinga/homestead due to the incessant negative effects of being surrounded by heavy industry and the harmful mental health impacts this had on both of us as parents, but also on our tamariki.

## **SCOPE OF EVIDENCE**

**8.** My evidence covers

- (a) MY ROLE FOR WHAREROA MARAE
- (b) WHAREROA MARAE
- (c) IMPACTS OF CUMULATIVE HARM ON OUR COMMUNITY
- (d) VOICE OF MANA WHENUA: MANAGED RETREAT

**9.** The purpose of this evidence is to illustrate for the Court the catastrophic impact the proposed continuation of Allied Asphalt and other heavy industries will have on Whareroa marae and our wider community.

## **MY ROLE FOR WHAREROA MARAE**

**10.** I am the Environmental Manager/Spokesperson for Whareroa Marae.

**11.** In July 2019, Bay of Plenty Regional Councillor Matemoana McDonald called two urgent meetings at Whareroa marae. Sarah Omundsen from council was also present for the first hui. At this meeting they both highlighted their concern for the health and wellbeing of Whareroa whānau due to the data BOPRC had gathered from the air monitoring station at our marae (located next to Whareroa Kohanga Reo and Wharenui). This quantitative data, which proves constant exposure, when sitting next to the international research on Air Pollution left both BOPRC representatives in no doubt that the situation forced on Whareroa and Mana Whenua is shocking and untenable. BOPRC representatives shared with us that they were preparing a letter for parliament and asked us to write a supporting letter to the New Zealand Government describing our experiences. I was nominated to prepare and complete this letter.

**12.** In preparing the letter I gave all 20 in attendance a piece of paper. On one side I asked them to individually identify all health effects they have noticed experiencing since living at Whareroa, and on the other half I asked them

to write down property damage. After collating all 20 responses I put health and property information into themes.

13. What stood out was that everyone was experiencing the same issues – **Respiratory issues:** asthma, bronchitis, severe difficulty in breathing, coughing fits, and wheezing; **Throat issues:** burning sensation, dryness, foul taste; **Eye issues:** blurry, itchy, and irritated; **Other issues:** Pulsating headaches, and migraines; Skin irritations; Sinus irritations; and Nausea.
14. Property damage included Dust: a thick film which covers vehicles, outdoor furniture, homes, and washing hanging on clothesline. Qualitative themes from dust included it entering homes causing damage to furniture and carpet; a thick grime which sticks to windows, vehicles, and exterior of homes which requires high grade industrial chemical cleaning products to remove. Rust and corrosion were also reported – e.g., tools inside toolbox under carport rusting; lawnmower, weed eater, chainsaw damaged from corrosion; damage to aluminium joinery on homes; children’s bikes, from birthday rusting within months of receiving.
15. At this stage I had very little information from BOPRC and what chemicals and particulate matter were permitted in our local environment, so I based my research on the air pollution observed through the BOPRC monitoring station located at Whareroa; sulphur dioxide, nitrogen dioxide, hydrogen sulphide and particulate matter PM10. I extracted my information from sources such as the Ministry for the Environment, Ministry of Health, United Nations, World Health Organisation, and BOPRC. I quickly learnt the detrimental health impacts from all these pollutants, in particular cumulative harm from long term exposure.
16. The overlaying of researched information, with the qualitative and quantitative data initially frightened me, as it hit me like a truck, that what our household was experiencing was real, and that our home was an unhealthy environment with serious health risk for our kaumātua and tamariki. While we could see our own and our children’s health problems from living at Whareroa, it became a shocking reality when confronted with the overall picture.

17. The information I discovered when researching for this letter and seeing our children suffer unavoidable illness from living at their marae forced us to sever our children's connection to their tūrangawaewae.
18. I sent the letter to Prime Minister Jacinda Ardern on 19<sup>th</sup> August 2019.
19. I continue to represent Whareroa marae as Environmental spokesperson. Since 2019 I have been involved in the following RMA processes while representing our marae: Timaru Oil, CRS Containers, Genera (methyl bromide), Ballance Agri-Nutrients, Higgins, Tauranga Bridge Marina, Port of Tauranga extension, and now Allied Asphalt. I have supported BOPRC with charges against CRS Containers and in the environmental court with relation to Air Quality – Plan Change 13.
20. Other works for Whareroa include presentations to BOPRC, Tauranga City Council, Central government, United Nations, University of Waikato, local Oranga Tamariki offices, and Environmental conferences to raise awareness of the harm our marae and community lives with every day. I also attend BOPRC led Air Quality Working Party hui on behalf of the marae and Ngāti Kuku where we meet alongside tangata whenua, BOPRC, TCC, major industries, Port, and community representatives to discuss air pollution in the Mount Maunganui Airshed.

## **WHAREROA MARAE**

21. Whareroa marae was built in 1873 by Ngāi Te Rangi and Ngāti Kuku rangatira Taiaho Hōri Ngātai. However, the area has been a key strategic location for Māori throughout time immemorial.
22. Land, Air, Water Aotearoa (2022) report on their website that the largest industrial area in the Western Bay of Plenty is centred around [Whareroa marae] the Port of Tauranga. There are several monitoring sites in this area looking at a range of contaminants. Some of these monitoring stations have recorded exceedances of the National Environment Standards for Air Quality for PM10 and SO<sub>2</sub>.



25. Allied Asphalt is at the eastern boundary of the Mount Maunganui Air Shed while Whareroa mare is situated towards the centre. 90% of the polluted air shed is located over the original Whareroa block. We, Ngāti Kuku and Whareroa marae are mana whenua and ahikāroa across this block and the wider Mount Maunganui peninsular.
26. The following layering of images show
- (a) Whareroa community. This includes our marae complex, Kohanga Reo, Kaumātua/retirement housing, marae/hapū papakāinga housing, residential housing, sportsground (rugby field, netball/tennis courts), and Te Rūnanga o Ngāi Te Rangi.
  - (b) Surrounding industries. All these surrounding industries have been established on our doorstep to support their own profit margins as well as the expansion and operation of the Port of Tauranga.
  - (c) Unseen reality for Whareroa. Known particulate matter and chemical pollution in the air, land and water surrounding Whareroa marae. This information has been extracted from Air Discharge consents granted by BOPRC, BOPRC soil/water testing, as well as well documented information e.g., sulphur dioxide from ship exhaust, carbon monoxide from car/truck exhaust etc.

### Whareroa Community



## Surrounding Industries



## Unseen reality for Whareroa





## IMPACTS OF CUMULATIVE HARM ON OUR COMMUNITY

**27.** The resource consent application from the Allied Asphalt seeks to continue to operate within the designated airshed for another 35 years. While they seek this discharge consent for the maximum term to justify financial investment to improve both operating platform and business output/fiscal profits, Allied evidence and experts acknowledge contribution to airshed will continue over this period and in turn Whareroa, Ngāti Kuku, and Allied Asphalts surrounding communities will endure cumulative harm for another 35 years.

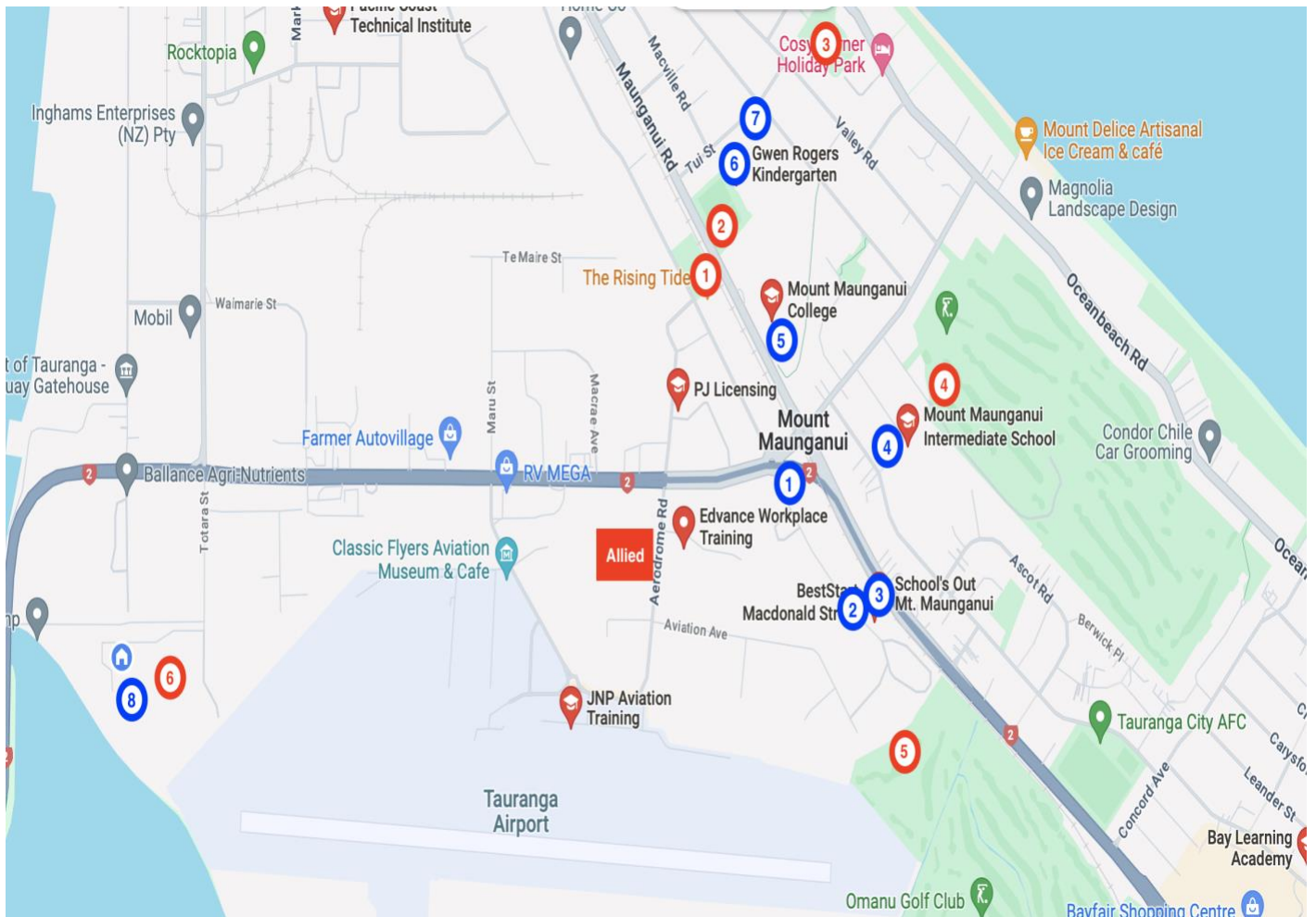
**28.** The following image shows Allied Asphalt & Surrounds.

(a) Blue circles indicate education and learning centres for children 0-18 years.

1. Little Einstein's Montessori (410m)
2. Best Start Macdonald St (680m)
3. School's Out Mount Maunganui (700m)
4. Mount Maunganui Intermediate (715m)
5. Mount Maunganui College (560m)
6. Omanu Primary School (930m)
7. Gwen Rogers Kindergarten (850m)
8. Te Kohanga Reo o Whareroa (1600m)

(b) Red circles indicate parks and recreation areas.

1. Soper reserve (575m)
2. Mackville park (700m)
3. Moa park (1200m)
4. Mount Maunganui golf club (930m)
5. Omanu golf club (800m)
6. Whareroa sportsground (1500m)



29. As mentioned, Ngāti Kuku and Whareroa marae continue to maintain mana whenua responsibilities across Whareroa block and the wider Mount Maunganui peninsular. The safety and wellbeing of all people within our boundaries is a responsibility each respective mana whenua group across the country seek to uphold as kaitiaki. Therefore, anyone or any industry who wish to contribute to the cumulative harm and intergenerational violence on tamariki and mokopuna within our rohe is untenable.
  
30. In 2023 the Institute of Environmental Science and Research Limited (ESR) presented their research document *Air Pollution: Health Risk Assessment Mount Maunganui*. This document was extensively peer reviewed prior to release and reviewed once again by both BOPRC and TCC. This subsequent review supported the findings presented by ESR.

31. On page 44 of this report, the quantitative assessment states the following:  
“The modelling estimates that, compared with Ōtūmoetai, in Mount Maunganui there were:

- Around five premature deaths each year associated with increased exposure to long-term concentrations of **PM2.5 and NO2**. For context, the total mortality from all non-external causes<sup>32</sup> in Mount Maunganui for the year 2019 was 145 so this estimate represents around 3% of deaths in that year.
- An additional four cardiovascular and six respiratory hospitalisations associated with increased long-term exposure to PM2.5 and NO2.
- An additional 1,256 restricted activity days associated with increased long-term exposure to PM2.5.
- Two additional cases of asthma in under 18-year-olds associated with increased long-term exposure to NO2.

Sensitivity testing estimates that:

- The number of premature deaths for adults associated with long-term exposure to PM2.5 and NO2 in Mount Maunganui as compared with Ōtūmoetai have a 95% confidence interval of 3 and 6 (relative to the base case of 5 deaths).
- The low and high social cost estimates associated with long-term exposure to PM2.5 and NO2 in Mount Maunganui as compared with Ōtūmoetai are between \$19 million and \$29 million (relative to the base case of \$22 million, all in NZ\$2019)”.

- 32.** Like all other industries I have encountered within the polluted air shed, Allied Asphalt are driven solely by profitable returns while also stating they have a social licence to operate as this is a permitted activity within the parameters of both Regional and City councils. Negligent planning has seen BOPRC and TCC create the current environment, however, quantitative evidence supplied by ESR cannot be denied and the courts (and responsible councils) should take heed of the recent environment court findings in the Port of Tauranga case which was critical of both councils' failure to Whareroa and Ngāti Kuku.

#### 2.11 Preliminary observations on this background

[173] The court acknowledges that a number of the matters referred to above are not matters in relation to which the Regional Council has restricted its discretion under the relevant rules in the RCEP. Nevertheless, they raise serious questions about the way in which the area around Whareroa Marae, including the Port, has been allowed to develop by the City and Regional Councils. There is a lack of consideration of the cumulative effects on the Marae and those who live and visit there. The evidence indicates a systemic failure by the councils to undertake their functions under ss 30 and 31 of the RMA. In particular, there has been a failure to achieve integrated management of resources and of the effects of the cause of those resources including control of the use of land to maintain and enhance quality of the environment.

- 33.** All evidence irrefutably demonstrates that both councils have not only failed mana whenua, but also residents, schools, retirement villages, and citizens across the Mount Maunganui peninsular. One could also suggest industries may also point to these same failures as they are now all faced with a community, Māori and non-Māori alike, demanding change.

## **VOICE OF THE MOUNT MAUNGANUI COMMUNITY: MANAGED RETREAT**

- 34.** In July 2020 Ngāti Kuku and Whareroa marae made it clear to councils, central government, industries, and our wider community that our aspirations are for a managed retreat of all heavy industries out of the Mount Maunganui peninsular by 2030. This has not changed.
- 35.** I would not be surprised if Allied Asphalt or the court asked us to join another *Kaitiaki Working Group* as part of conditions. This mechanism might work for the applicant, but it does not take into consideration the multitude of other industries requesting the same to meet their own needs, and with very little consideration or commitment to anything which is critically important to us. Furthermore, I find it ironic that industries all want a relationship now their consents are due for renewal but have failed to see any need prior. Especially as many of these applicants have been poisoning my community for over 35 – 70 years.

## **CONCLUSION**

- 36.** In our opinion, a cautious approach must be taken with all consent applications in our area especially where the applications involve significant capital investment like a new Plant in this case.
- 37.** A call to action of a managed retreat of heavy industries in our area within 10 years from 2020 is in place.
- 38.** We would not oppose a short-term extension of Allied Asphalt's current consent (with the current Plant) as long as it will have more stringent controls in place to manage discharges within the MMAS.
- The term should align with the managed retreat of heavy industry timeframes which will be around 5-years.
  - This period will allow for Allied Asphalt to grow its relationship with mana whenua and thoroughly investigate other relocation options that will not compromise the health and safety of our local communities.

- Additionally, this timeframe will allow for further investigation into the extent of the cumulative impacts in the Whareroa/ Mount Maunganui area.