

Objection to Development

My name is Karen Stothart 67 years old. My family have owned a beach house at Mangakuri Beach for 34 years.

Thank you Commissioner Mr Littlejohn for your time and attendance as an independent commissioner to this hearing. Hawke Bay is a very small community and having an outside independent view is a blessing for all those that objected.

I acknowledge all those people who have put time and effort into this project with their expertise and see a lot of work has been done to support this application. More so than Mr Yule, who as he said was a long time and very experienced Mayor, councillor, a qualified engineer, a custodian and trustee of Mangakuri and now director of the newly formed Yule Alexander Consultants promoting from their website governance experts, political lobbyists, change experts and strategists. Mr Yule has a wide arm of influence in the Hawke Bay area and we can witness this from all the experts who have put time into this application, no expense spared.

So although I am not an expert and I will not try to be one, I am here to not talk about the How and countless ways to achieve the unachievable as this has been done already by the experts. I am here to talk about WHY .

I am sure you will agree when you drive over the hill at Mangakuri, you get an immediate sense of arrival to a special isolated place, quiet unique and special, as many places in NZ are now over developed. It is like stepping back in time and a sense of the spirit or soul having found a space to rest. It is magical, spiritual and many seek solace at this beach for that purpose. So in a sense and by acknowledged of the council plan Mangakuri beach is acknowledged as special and high natural character for that reason . Due to limited space Freedom Camping or camping due to fire risk is not allowed at this beach.

We call the beach " Mangakuri Magic", we dive, swim, fish, enjoy the beach its landscape, its safe and we all socialise and enjoy our annual family and residents catch ups.

We must in all conscience preserve what we can of an essence of what it is to be kiwi, the spirit of the ancestors and the era that was historical. For Maori this was a favourite beach to collect their Kai and still is today. They rode far and wide to this beach and left remnants on the hillside eg Middens. This is a archeology area worthy of protection.

About 34 years ago Our family had a traumatic family event and we were looking for a place to stay isolated away, where we could deal with our sad situation and have time together. The Williams family and beach community welcomed us and have supported us all this time. We are a close community that have known each other and their generational families for decades and many are descendants of the Williams family..

We travel back every year from Australia for over 24 years to spend a good length time at the beach where family gather.

Our beach house burnt to the ground in 1999, 6 months after we moved to Australia for a warmer climate for our quadriplegic daughter.

Our property is so isolated by the time the fire brigade arrived the house, shed and tractor were destroyed. So regardless of fire requirements, nothing will survive should a house burn down.

The community helped clear the site and clean up so we could rebuild.

When I enquired years later, All the debris was buried on the farmland behind our property somewhere, by the farm manager,

When we built our home, Mr Williams, owned the land and he did tell us our home is on a slip and disclosed the issue of soil instability. In my view it wouldn't affect any neighbours downhill from me, as it was the beach and road.

Our property has had many issues with land movement over the years and repiled where necessary.

There is no cover for insurance for land instability affecting homes in the area. I presented evidence of this in my submission. Who is going to take responsibility for damage to our houses should an event occur?? As we will have not insurance to cover damage by the land.

So when all the experts try to find a way and How to, for this development and no matter what they do, The insurance companies will not insure the properties as they have classified the land as high risk and unstable. So why is this factor not considered. What onerous clause do they disclose to potential buyers who will spend hundreds of thousands to build on unstable land and it cant be insured. Why has this factor not been given any weight in this application.

We have had many events to do with stormwater run off being redirected from other properties. Years back our neighbour were sick of the water run off from the hill behind them and dug a trench redirecting the water onto our land which ran into the bottom of the hill. When we drove in late evening , the ground was too soggy for us to get the car up the hill which. We had to carry our quadriplegic daughter and all our luggage upto the house in the rain.

The new property built beside us recently has had his water run off channelled down his property into gravel pits only to find it quickly overflowed and the road was flooded, so much so I could not get out our front gate the morning after Cyclone Gabriel. . I had to dig a trench across the road to allow runoff into the dunes so I could get out the property. Both properties beside had their driveway scarred away and rivers of water flowed towards my driveway, making it impossible to leave my house.

Any slight redirection of rain water or storm water can be catastrophic as we have experienced. Water runs so fast down the hills like a river. No amount of mitigation will hold back in a storm and the water. In fact holding or retaining water could undermine the soil stability further.

Our family have been at the beach when Cyclone Bola and Cyclone Gabriel hit.

I put two deck chairs on the deck the night of Cyclone Gabriel to gauge the storm. They were still there in the morning. There was a lot of rain, but not the winds like other storms ,that have been far worse.

We were cut off due to power, trees down and bridges damaged. Our community pooled together to help each other out and ensure everyone was safe for the few days we were cut off.

We were there in Cyclone Bola and when we left the next morning over ¾ of the road had collapsed up the hill.. There was not other exit, and we had a disabled daughter, we had a four wheel drive and manovered onto the side of the slip on the hill to get past.

Going back a few years The Trustees had put forward an application prior to this, which is now deemed irrelevant.

However the reason we requested a judicial review and opposed was the first application was weak, it lacked any proper due diligence, building platforms were recklessly placed in high risk areas in a hap hazard way whereby platforms ran over two lot boundaries. The maps were incorrect that were used, omitted gullies and culverts which were easily visible if you walked over the site. One large gully was beside my house wasn't on the plans. The road on the beach floods during winter. As custodian and Mr Yules experience as an engineer he should have seen this immediately and ensured correct information on the maps was submitted.

It was the beach community that opposed the first development which has now lead to a new application being submitted, making the first obsolete.

If you were to see the first application, anyone would agree it was not up to the standard for approval in any shape or form. So when the Mr Yule talks about us as not being experts, lack experience, completely dismissed us as irrelevant being the community and our expectations and said we should be ignored.

This is an insult to those that live there and experience life day to day and preserve the special beach with dune restoration, pest programmes, working bees, and maintenance to the landscape when necessary, where we all help each other.

Mr Yule is a qualified engineer says he is intimate with the land and its history, yet allows incorrect maps to be lodged.

If it wasn't for the community and our due diligence bringing light to risk and errors than who else. The vibe in this hearing seems to be community create entitlement, however what it does is brings proper process here into account and ensures compliance is done.

We also opposed on the grounds the first application was done behind our backs, that it was inadequate so much so that the applicants had to resubmit a new one. The reason the first one lapsed was it did not work, so any reference to the historical plan and the new application needs to be considered as irrelevant. The reason we are here today, is we have bought and fought for proper consultation, due diligence on this application.

We have heard so many experts give their evidences, at great expense, and yet not all experts get it right. I understand the need for regulations, and finding ways to work within a system to push forward in a high risk environment makes one wonder not how but why?

As Mike Smith has reported Mangakuri has had significant waterfall and storms, many are localised as well and not recorded on any other data, except for the locals who have rain metres. All it needs is an earthquake to occur, when a storm passes through and there will be a disaster.

The amount of water that cascades when we have heavy rain is extreme, like a river No amount of diversion to gravel pits, dams will stop the water. It cascades down the hill. Redirecting stormwater in any way can also create more unforeseen issues with stability etc.

The only exit out is one road, there is not other alternative. It has taken 5 years to repair the road.

Since 2015 there have been 22 road repairs listed from Council for Williams Road, including Cracks and depression. So should the road collapse, it will take months to repair and residents will not be able to live there and require alternative housing. The new repair last year is already showing signs of slipping.

It is not an easy road down to the beach. Mangakuri Road has 5kms of gravel a bridge a very steep hill and a bridge that had damage after a storm a few years back. The road down to the beach is steep and has blind spots. Locals know the road, however many visitors, freedom campers visit. The people who speed are outside locals who visit frequently, to dive, fish, picnic, swim and surf, a large speed bump was installed at the beach end of the road to stop speeding. Many locals walk up the road as an exercise regime. Speed is an issue and reckless youth are the main offenders, as well as some unsavory characters that dive off the reef. Heavy vehicles have limited turning bays and struggle to get around. Any development would result with numerous large vehicles churning up roads and gravel over a period of time and will struggle to turn around.

We can look back and learn from the past. With all the expert reports and their green light recommendations, we have to look at how many people gave the ok to build in the Esk Valley saying no flooding would occur and that it was safe. There was historical flooding, but it was overlooked and a disaster waiting to happen, which it did.

Someone mentioned that we have had similar water levels to Esk Valley and the land coped. However if you change the landscape which hasn't changed for decades and allow large volumes to be redirected then what could potentially happen??.

Maybe the Lack of trees may have saved us from landslip, due to their weight, the rain just runs off the land over a blanket area and has not been redirected to a specific area. We all suffer the efforts of the water uphill for sure, but we know the nature of the land behind us and take steps to ensure we are ok. If large volumes of water change then what are we to expect.

The Chesterhope Stock bank in Cyclone Gabriel broke its banks., it was recommended by many to raise the stock bank, it was ignored or deemed unnecessary and as a result the bank burst in Cyclone Gaybrielle, destroying homes, orchards and part of Taradale and the surrounding area as well as bridges, it was catastrophic.

A large section of Elsthorpe road a year or so ago dropped away after a storm and the road took months to repair affecting all those living on the other side and diversion routes were made for school bus runs and residents. It looked stable and inland, but it was near the coast. We have no diversion route available to us at the beach.

Further up the Hawkes Bay coast an Ocean Beach a developer was seeking approval for a housing subdivision, this was declined and luckily, as after a storm the whole hillside collapsed.

A development site that is earthquake prone, tsunami zone, unstable geographically, and the potential for lives to be put at risk, when in most reports from all the consultants refer to the land as unstable geographically plus must address why with climate change and frequent big weather events, that taking the side of caution in a high risk area should not be considered or why would council put lives at risk, **allow sites that can't be insured**, be approved for building.

We have heard many factors of over planting risking with land slips, or under planting, engineering, road safety, civil defence issues, insurance issues, the lack of turning for heavy vehicles, yet there is a relentless pursuit to develop, risking the financial viability of a historic farm at the expense of the cost of this development and the financial returns it will give. What exactly is the return on this investment, How much are the potential site worth??

Trying to find a stable platform to build is reckless, We all know earthworks, that sound and vibrations travel deep into the soil structure and could potentially create a landslide. Even if the building platforms are managed its not the main factor, it's the land and always was.

I presented photos of very large historic landslides, one that I built on. With the steep hills and exposure to storms, winds, earthquakes, unstable soil structure, I consider it reckless for anyone to seek approval to build higher up on the ridge, when those that live at the beach are well aware of the changing environment and the efforts we take to mitigate damage from the land, rain and storms.

The beach is exposed to the east and south, therefore we have localised storms on top of cyclones. It is rugged and isolated and weather all the elements of nature.

At no point has anyone contacted me regarding my Note in my submission regarding the disposal of hazardous material on the land behind somewhere, when my house was destroyed by fire and the site cleared. Seems some things are important and others not.

Mr Yules statement that the residents or community expectations are irrelevant. I consider that an insult and challengable, as many a disaster has occurred when **experts** gave the green light and did not listen to locals.

Mr Yule made a statement that not all residents have objected , collectively all agreed in to oppose this from the beach community. The fact not all residents lodged is because many are elderly and lack the skills to submit. They relied on the beach committee to do it on their behalf and we all financially agreed to oppose.

Mr Yule made attempts to coercise and enforce his will on a couple of the beach residents who felt threatened by is overlording. When he states he cares about the beach community, he has not demonstrated it, when he attending the annual beach committee meeting he talked AT everyone and refused to listen, hence the decision was made to allow only dialogue between Mr Yule through the beach committee and not individuals who felt threatened.

In his statement, he clearly demonstrates his will and intent to proceed regardless of the outcome. His career as an experience as a Mayor, politician, and advisor, who is open with threats of planting pines, and doing whatever he wants, does seems to go against the grain of considering anyone expect his own interests and is rather affronting.

His option to plant pine trees behind the houses if the application is declined borders is affronting, which we had heard was what the trustees would do to, if they didn't get consent. We have heard it's a potential fire risk and dangerous, yet its still on the table.

One has to question the true motives of the trustees. Yesterday we heard that Mr Yule had asked the landscaping expert if he could put more devleopoment in the area and was advised against it. So his evidence saying he was being conservative and thoughtful contradicts what others have said was his intent.

The Williams Charitable Trust is a tax free trust and we would think open for questions and scrutiny.

Mr Yule has been the longest serving trustee along with John Springford.

There relationship with the owner is longstanding, yet the status quo existed until Mr Williams died and the trustees took over.

I ask, did Pat Willimas want the beach side of the farm to be developed. One has to ask why did the trustees wait till Pat passed away to enact this development. Mr Yule and Mr Springford had plenty of time whilst Mr Williams was alive to enact this development, yet one has to wonder why it wasnt.

The trustees have since subdivided the Historic beach cottage under the agreed lot size, how did this happen.

I feel this goes against the will of Mr Williams and violates the mana of his intentions to farm and give to charity and that should be the main focus of the trustees, not turning it into a corporation whereby the larger you grow the more it costs. You can always find a way to absorb funds and not donate, so what is the real purpose of the charitable trust when money never flows to worthy causes. The custodians of the land and its historic nature must be preserved not abused for financial gain when charity never sees it, as the new term for consultants on trusts is moderisation not donation.

The long term relationship the beach community with the owner and farm residents and trustees was amicable . There is a deliberate lack of respect from these long serving trustees to the residents of Mangakuri which raises questions to their motives. Did they know the devleopment would be challenged??

Mr Yule makes reference to the farm, it viability and the state of the farm,. Many hundreds of thousands of dollars have been spent on consultants and experts to date, when it could have been used to upgrade aging equipment and building and given to charity, rather than take on ambitious development projects. Wouldn't it make sense to secure the assets, upgrade rather than to allow deterioration and divert funds that could have been put to better use. Mr Yule and Mr Springford have demonstrated by their own admission that as long term trustees their neglect for the upkeep of the farm, it is run down, the historic homestead sold off due to lack of upkeep and still the farm is neglected as funds are channelled into blue sky think big developments. One has to question is their position tenable given the neglect to the assets they were meant to oversee. The loose clause in the trust deed has been taken as a directive for them to do as they please, and loose sight of the trusts main purpose.

What is the motive of developing a historic farm. It was managed well before the trustees took over and it survived many weather events in the past, coastal farming weathers the ups and downs, yet his submission gives the impression it isn't viable. Yet it seems that the question of viability must be asked under this current management, not others in the past.

Why take out loans to gain more land. What is the purpose of the charitable trust, it is meant to given to charity, not create an empire whereby more consultants are required to drain the straining bank account that is only a farm, not a corporation.

How much do you intend to sell the lots for, what profit is anticipated, given you have financial expertise and must have done a cost analysis on the development. ??? There is mention of

purchasers already, are there no conflicts of interest or special purchases in these interest as purchasers.. As custodians and trustees we trust that proper processes should be adhered to, to ensure transparency and best practice.

The mana of the land and the spirit of the and its historical past should be respected, not carved up for more profit when in fact very little has been given to charity since its charitable status and under their management. , that was the main purpose of a trust. To give back. Instead the quest for expansion is driving these trustees into a relentless money pit of waste, whereby it could have been given to its main cause as a charity and that its purpose. I have found similar farming charitable trust from the Williams in Poverty bay have been generous in charity and have a good reputation within community.

Mana is sacred and once lost by land or man, it can never be redeemed.

There are very few places for public access on to a beach where one can feel the isolation and specialness of a beach to rejuvenate the soul. Mangakuri is that place and the District Plan acknowledges this, therefore the relentless pursuit for a development at any cost, be it financial or personal goal, is a waste of everyones valuable resources and to protect something special is worth fighting for. Once its changed then it cannot be reversed. Many who have experienced this unique beach agree there are very few accessable isoated spots. The suggestion to make it a tourist destination will change the whole preservation of the special character. There are **safety risks** to people climbing over the hills, high fire risks in the summer, garbage left on the hills etc, it is a scared area and that is acknowledged. Fear of fire in summer is a residents nightmare, so allowing public to access open public access to dry farmland is a disaster waiting to happen.

All the beach residents we have paid out financially to object to the development, then to find the trustees dismiss one and apply for another. The emotional and financial stress it has created to the residents of the beach must not be ignored.

As a charibale trust I feel we have the right to transparency from the Trustee. Rumours are rife and there seems to be an never ending money pit the Trustees have spent so far. How much exactly??

One must ask why John Springford an experience director, accountant, trustee went and set up a Company called Mangakuri Beach Holding Ltd in Dec 2020 making themselves all trustees shareholders and also directors, then in May 2021 change the shareholding to the Williams Trust.

Mr Yule says they don't want to be a Development enterprise, yet he spoke of many options they have open to them all over the farm that they may persue, it that why set up a separate company, what is its purpose.

Is this company meant to be a development company, whereby directors who are also trustees are able to draw salaries, is that's its purpose or what is it set up for. One has to wonder are the trustees setting up platforms and for what purpose and where does all the money get chanelled to.

Mr Yule is a trustee, and has set up a consultancy company named Yule Alexander Ltd a couple of years ago.

In 2022 Mr Yule became an advisor for The Joan Fernie trust with an asset base of \$131 million as concerns were rased about the lack of donations for over a decade by the current trustees. This trust was investigated by Richard Jeffrey whereby a trust would expect to pay at least a third out in

donations due to the fact they pay no tax, however very little was donated or gifted over the 10 years.

Mr Yule was hired as an advisor of this trust through his new consulting company to solve conflicts of interest etc and the lack of donations to charities. We now see in Nov 2023 a new operations manager on the Joan Fernie trust is Danny England who is the same trustee for Williams trust. The whole issue of consultants, fairness and cross pollination of people must bring some questions to the table.

Are charitable trusts now becoming the favourite avenue ground for consultants and specialist to suck fees and give jobs to mates, carve out big salaries and use the term "modernisation" as a new catch phrase to benefit everyone except those who it was designed to benefit, that being good charitable causes and people in need. NZ has more trusts than any other country per person, and many charitable trusts have become tarnished due to mismanagement and their purpose has become almost obsolete due to excessive management costs and self interested parties feeding from the same purse.

This is a slight digression from the development, however the relentless pursuit and money spent by these trustees, allowing the farm to fall into neglect makes you question why and what for. There are two trustees who are farmers and still they allow the farm to fall into disrepair. The Williams trust is a farm, not a corporation, and the bigger you grow something the more it costs. I don't feel the whole intention of Pat Williams was to see his farm property and the people he chose as trustees turn his historical farm into a money spinning wheel, whereby the purpose of donations has not come to fruition, instead it's become a cycle of money drained, loans made and so called experienced trustees causing stress and havoc to those that are affected by their directives. Including their own staff, excellent staff with excellent farming skills and were well respected were suddenly sacked resulting in distress for them and the local community. One has to again ask WHY.

Mr and Mrs Williams who were the owners are kind generous, quiet individuals who relied on others for advice. Mrs Williams was active in the area throughout her life and helped see the historic church built by Samuel Williams was restored.

Note the reason the Committee Rules did not include development and preservation, was that the Williams family never intended develop, and so it wasn't a consideration for anyone at the time. But as time has shown, new people march in to change what was once sacred.

Therefore I ask that the trustees think carefully about their intentions or their ability to honour and persevere what is historic and instead of building corporations, treat the trust as the owners had always intended with respect.