

# Ngunguru Sandspit Timeline

Contributed by Pat Heffey  
 Wednesday, 03 January 2007  
 Last Updated Sunday, 14 June 2015

The following historical summary of events concerning the Ngunguru Sandspit has been compiled by the Ngunguru Sandspit Protection Society with the assistance of many concerned friends.

Tangata Whenua &ndash; The Ngunguru Sandspit and surrounding areas had a long history of occupation to the 1700s and has significant cultural, spirutal, historical and environmental values. Three tangata whenua groups have associations with the sandspit; Te Waiariki, Ngati Taka, and Ngati Wai (1996, Background Report, Parliamentary Commissioner for the Environment).

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1832 &ndash;  
 the Ngunguru Sandspit is the scene of a large battle which ends a sustained campaign between Ngapuhi and their coastal allies and Waikato tribes led by Te Wherowhero. The survivors of Te Waiariki declare the Ngunguru Sandspit to be &ldquo;waahi tapu&rdquo;; &ldquo;a place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense&rdquo;.

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1837-1838 &ndash; HMS Buffalo charted Ngunguru River, Ngunguru Bay, and Tutukaka Harbour. Men were sent ashore to fell kauri trees for use as masts and spars, logs taken down-river in rafts and loaded onto the ship. This is the beginning of timber operations in the area.

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1860 &ndash; Wreck of the ship Southern Cross.

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1879 &ndash; Ngunguru School opens on land provided by tangata whenua.

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1894 &ndash; Coal mining operations begin at Kiripaka.

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1904 &ndash; Wreck of the ketch Champion.

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1917 &ndash; Cyclonic winds cause huge waves to come across the Ngunguru Sandspit dislodging tons of sand. The highest tide in fifty years is recorded. Many properties along the Ngunguru foreshore are devastated.

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1920 &ndash; Photograph of the sandspit after a major storm event in March and probable breach. Photo was published by HT Ferrar of the NZ Geological Survey.

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1930 &ndash; An Easter storm causes waves to break over the Ngunguru Sandspit and exposes what appears to be &ldquo;miles of human remains&rdquo;.

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Mid 1940s &ndash; Breach of the sandspit reported by residents. The washover wasn&rsquo;t apparent until they went over to the spit to collect shells on the ocean side.

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1956 &ndash; In a statement made to the New Zealand Historic Places Trust in 1994, Mr. Stanley Bartlett &ndash; who had been associated with the Ngunguru Sandspit since 1940 &ndash; says:

In 1956, when the district was subjected to very heavy rainfall, the Ngunguru River shortened its course and, for a time, flowed to the sea across the Ngunguru Sandspit. There is no guarantee that this natural hazard cannot occur again and this should be taken into account when modifications to the Ngunguru Sandspit are proposed.&rdquo;

Map of the sandspit, generated by the Whangarei District Council's excellent GIS website. The blue cross-hatching shows where the floodzones are.

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May 1960 &ndash;  
Earthquakes in Chile trigger tidal waves measuring between 2.7 & 3 meters to strike Ngunguru and Tutukaka at half-tide, causing flooding.

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1964 &ndash; Between 50 and 60 Maori owners sign a document authorizing the sale of the Ngunguru Sandspit to a Mr. Everard Lambert for 6,000 Pounds. Mr. Lambert is a Director of Ngunguru Seaside Estates Ltd.

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1965 &ndash; Ngunguru Scenic Preservation and Improvement Society expresses concern about the possible loss of the Ngunguru Sandspit to the public if it were to be subdivided. The Whangarei City Council &ldquo;approves to acquire&rdquo; the Ngunguru Sandspit.

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1968 &ndash; Ngunguru Seaside Estates Ltd sells the Ngunguru Sandspit to a private individual: Mr. Robert A. Green, Company Director of Takapuna, Auckland, for approximately \$150,000.

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1973 &ndash; Approximately one hundred people form the Ngunguru Sandspit Preservation Society in opposition to the holiday resort plan proposed by Seaside Estates Ltd. The company had applied to the Whangarei County Council to change the zoning of the Ngunguru Sandspit from Public Open Space. The re-zoning application was declined.

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May 1973 &ndash; The Whangarei County Council attempts to buy the Ngunguru Sandspit as a reserve. The asking price is too high and the council requests the assistance of the Lands and Survey Department.

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March 1974 &ndash; The Commissioner of Crown Lands, Mr. O&rsquo;Brien, advises that, during his negotiations with Seaside Estates Ltd, the Ngunguru Sandspit was sold for approximately \$150,000 to Mr. R. A. Green. This figure is close to the sum that the Whangarei County Council were attempting to buy it for in May 1973. Mr. O&rsquo;Brien also says that the Crown is still interested in purchasing the land at a reasonable price and asks the Council to adhere strictly to the Public Open Space designation of the area. He further requests the Council not to permit any development which would prejudice the chances of buying the land for a reserve. The Council receives the letter and agrees to comply with those

requests.

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1974 &ndash; In a Northland Catchment Commission Report, Chief Engineer Mr. Alan Moores states:

The Ngunguru River will break a new path to the sea across the sandspit. In extreme cases, erosion will cause parts of the Ngunguru Sandspit to disappear. There is little man can do to prevent such occurrences. Part of the sandspit will become an island; it is not possible to predict when this will occur; all that can be said is that it will occur.

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1974 &ndash; Breach of the sandspit reported.

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1975 &ndash; Breach of the sandspit reported.

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1978 &ndash; Breach of the sandspit reported.

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1982 &ndash; Breach of the sandspit reported.

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1986&ndash; The Department of Conservation offers Mr. Green \$600,000 for the Ngunguru Sandspit. The offer is turned down.

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1988 &ndash; A Northland Regional Council coastal hazard identification report says that, at its narrowest point, the Ngunguru Sandspit is 310 meters wide where it is also the lowest lying part and is frequently flooded by the river or breached by the sea.

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19 Jan 1988 &ndash; A fire originates from a campfire that had been set the previous day roughly opposite the shop. It results in the northern end of the spit being completely burned out (downwind of the ignition point), with firefighting efforts

preventing the blaze from spreading upwind.

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October 1989 &ndash; Mr. Green offers the Department of Conservation the Ngunguru Sandspit for \$5,871,000. Government Valuation of the property in November 1989 is \$605,000.

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November 1993 &ndash; The Ngunguru Sandspit is advertised for sale both in New Zealand and internationally by Bayleys Real Estate as having four titles over 119 hectares with riparian rights. Possibilities exist to construct a grass air strip forming an exclusive retreat. Predominant uses with rural zoning would include: farming, agriculture and forestry. Conditional uses may be: tourist travelers&rsquo; accommodation, camping grounds, farm&ndash;stay or golf course and a potential internal marina development.

Mr. Green promotes the 119 ha coastal property as having development potential despite the Department of Conservation designation as a proposed reserve. Potential buyers are put off by, in Mr. Green&rsquo;s agent&rsquo;s words, &ldquo;a storm in a teacup dispute&rdquo;. Mr. Green states: &ldquo;If those people who are trying to stop me selling put their hands in their pockets they can buy it. I would like someone to get some enjoyment out of it.&rdquo;

Mr. Green gets his caretaker to deny people access to the Ngunguru Sandspit as he is sick of the &ldquo;animosity and criticism from the people of Ngunguru&rdquo;. Mr. Green comments: &ldquo;I am the biggest ratepayer in Ngunguru and I have not earned a cent off the land in twenty-five years. They have used the spit as their own private beach.&rdquo;

Officials say the zoning of the land will ensure its open space character will be maintained.

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1993 &ndash; The Department of Conservation considers buying the Ngunguru Sandspit for approximately \$518,000, the government valuation. Mr. Green says the block has been independently valued at \$3,000,000. Mr. Green&rsquo;s land agent says it is worth over \$5,000,000.

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March 1994 &ndash; Over 1,500 Tutukaka Coast residents petition the Department of Conservation to tender for the Ngunguru Sandspit. The Whangarei MP, John Banks, replies in a letter to Mrs. Pat Heffey: &ldquo;I support the proposal to have this sanctuary area made part of the public estate and have made my views known to the Minister of Conservation.&rdquo;

The Department of Conservation receives dozens of letters from people concerned about possible development of the Ngunguru Sandspit. Submissions against this development are also received from the Ornithological Society and the Royal Forest and Bird Protection Society.

The MP for Hobson, Mr. Ross Meurant, expects to table in Parliament a petition signed by 1,500 mainly local people opposed to any development of the Ngunguru Sandspit.

The Department of Conservation's spokesperson, Mr. Hancox, is fairly confident that the funding will be approved. He says the Ngunguru Sandspit has high ecological, landscape and historic values

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28 April 1994 &ndash; Tenders close for the sale of the Ngunguru Sandspit. Despite making eight offers and counter offers since 1977, the Department of Conservation does not submit a tender.

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2 May 1994 &ndash; In a newspaper article, Mr. Bill Mansfield, chief executive of the Department of Conservation, states that the Department of Conservation would not tender for the land and would also remove the Ngunguru Sandspit's protected reserve status. This was done because of the &ldquo;risk of arbitration&rdquo;.

Conservation Minister, the Hon. Dennis Marshall, says that he supports the Department of Conservation's decision not to tender for the Ngunguru Sandspit. He said the community, through the local authority in the area, had not seen fit to financially support buying the Ngunguru Sandspit.

Northland Conservation Board Chairperson; Mr. Richard Drake, says the Department of Conservation's actions will undermine public confidence in protecting coastal areas for the benefit of all future New Zealanders.

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1994 &ndash; The Royal Forest and Bird Society makes a submission on the Whangarei District Council's proposed &ldquo;Plan Change 87 &ndash; Proposed Rules for Coastal Subdivision for Covenant Protection&rdquo;. The submission points out that, by bringing in Plan Change 87, the Whangarei District Council is: &ldquo;failing in its obligations under the Resource Management Act to preserve and protect the natural values of coastal land and is contrary to the spirit of the New Zealand Coastal Policy Statement&rdquo;. The Society employs a coastal planner to represent the Society at the submission hearings.

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1994 &ndash; Mr. Wade Doak; acclaimed author, marine researcher and diver, makes a plea for the protection of the Ngunguru Sandspit:

I believe that the protection and enhancement of the Ngunguru Sandspit is critical for the future of the Ngunguru community. With rising sea levels, the time will come when the sea will breach the spit with drastic implications for the suburban settlement adjacent to the main road. I urge that the local people and those of Whangarei, along with the Department of Conservation, should be involved in developing a management plan for the Ngunguru Sandspit, which must be permanently designated as public land for recreation and enjoyment, with picnic places and special walkways through sensitive areas, proper respect for Maori burial grounds and, possibly, a bird sanctuary in nesting areas.

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13 May 1994 &ndash; Ngati Taka lodges a request with the Whangarei District Council for the initiation of a plan change to rezone the Ngunguru Sandspit to the Ngunguru Sandspit Protection Zone. The purpose of the rezoning is to provide, not only policies and objectives, but rules to provide a mechanism for the protection of the Ngunguru Sandspit from inappropriate and environmentally unsound development. This is to be done in conjunction with interested and affected parties.

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May 1994 &ndash; Two hundred people attend a Ngunguru Sandspit Public meeting held in the Ngunguru Hall. Representatives of the Department of Conservation, Whangarei District Council, Northland Regional Council, tangata whenua and the Northern Branch of the Royal Forest and Bird Society are also in attendance. Mr. Semenov, Whangarei Mayor, says: &ldquo;It would be a brave person to risk \$3,000,000 developing the property. I am committed to preserving the sandspit and I believe other Councilors want to protect the Ngunguru Sandspit one way or the other.&rdquo;

The Department of Conservation points out its concerns that, if the proposed changes are made to the District Scheme, 29 sections would be allowed on the sandspit &ldquo;as of right&rdquo;. Regional Council Chairman, Mr. Michael Gross, says the sandspit is not appropriate for development as it is an identified coastal hazard area. The meeting passes a motion that: &ldquo;the Whangarei District Council and the Northland Regional Council, in consultation with the Department of Conservation, will cooperate to ensure the absolute protection of &ldquo;the area known as the Ngunguru Spit&rdquo;.

At this meeting, a committee is formed to work with the Whangarei District Council, with representatives from tangata whenua. Committee members elected are: Mrs. Te Rapu Pitman, Mr. Paratene Wellington, Mrs. Christine Cronshaw, Mrs. Pat Heffey and, representing the Royal Forest and Bird Society, Mr. Ian Page and Mr. Chris Robertson.

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1995 &ndash; Mr. Bartlett, Northland Regional Filekeeper for the New Zealand Archaeological Association, says in his statement of evidence before the Planning Tribunal: &ldquo;On three separate occasions between 1962 and 1968, I assisted police and Maori elders in locating and removing human skeletal remains. I have no doubt that further remains will be exposed in the future. The evidence indicates a very long period of Maori occupation associated with the Ngunguru Sandspit.&rdquo;

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June 1995 &ndash; The New Zealand Historic Places Trust gives Mr. Green permission to "destroy, damage and modify" several archeological sites on the Ngunguru Sandspit. Mr. Green says he would like to see the middens removed as soon as possible and comments: "the middens are of no benefit to anybody and no use to anybody. They are only middens, it is a rubbish dump of shells." An angry Mr. Hori Parata, Resource Manager and Convener for Conservation of the Ngatiwai Trust Board, said the tangata whenua would appeal the decision and adds: "occupation of the Ngunguru Sandspit is not a policy of the Trust Board but I would not rule it out as an option for the whanau."

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June 1995 &ndash; The Whangarei District Council tries to safeguard the Ngunguru Sandspit as a Rural Scenic Protection Zone. However, this is overturned by an Independent Commissioner on the grounds that the Ngunguru Sandspit is privately owned.

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August 1995 &ndash; The Whangarei District Council is to publicly notify any applications for Resource Consents given the level of national interest in the fate of the Ngunguru Sandspit.

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October 1995 &ndash; Ngatiwai Trust Board secretary, Ms. Himiana Munroe, says that a fund set up to stop the development of the Ngunguru Sandspit has been met with public apathy and misunderstanding. The fund stood at \$100 with the only contributor being the Ngatiwai Trust Board.

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March 1996 &ndash; Planning Tribunal judge; Mr. David Sheppard, rejects the appeal by the Ngatiwai Trust Board concerning authority to destroy seven middens because the Ngatiwai Trust Board &ldquo;lacks the required status&rdquo;.

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March 1996 &ndash; Ms. Helen Hughes; Parliamentary Commissioner for the Environment, is to hold an investigation into the Historic and Cultural Heritage Management of the Ngunguru Sandspit.

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June 1996 &ndash; the Historic and Cultural Heritage Management in New Zealand Summary Report, with specific reference to the Ngunguru Sandspit, summarises its conclusions and recommendations by stating: &ldquo;The system as a whole is performing very poorly and permanent losses of all types of historic and cultural heritage are continuing despite some positive achievements.&rdquo; It recommends that the Minister for the Environment amend Part II of the Resource Management Act so that, &ldquo;recognition and protection of the heritage values of sites, buildings, places or areas become a matter of national importance&rdquo;.

The report says no public authority has ever been able to supply the Ngunguru Sandspit with specific planning protection in order to manage its values.

It also states that: &ldquo;A cooperative approach between all the authorities &mdash; that is, the Department of Conservation, the New Zealand Historic Places Trust, the Northland Regional Council and the Whangarei District Council &mdash; is required to provide sufficient funding to complete negotiations and purchase.&rdquo;

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1996 &ndash; the New Zealand Historic Places Trust&rsquo;s Maori Heritage Council registers the Ngunguru Sandspit as a &ldquo;waahi tapu&rdquo;, although the decision is not widely known. It is not a statutory protection mechanism but



it will allow the Maori Heritage Council and local iwi to become involved in any future resource applications.

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May 1996 &ndash; Mr. Frank Newman writes in the Northern Advocate: &ldquo;The Ngunguru Sandspit is very significant to the north&rsquo;s heritage. Regardless of who owns it, its historically significant features should be protected and, indeed, promoted.&rdquo;

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March 1998 &ndash; Mr. Green&rsquo;s contractor attempts to upgrade the two kilometre accessway from Ngunguru Ford Road onto Mr. Green&rsquo;s property. The route crosses private Maori land and encroaches on sacred sites. Maori threaten the bulldozer driver and the Police are called. Mr. Mitai Paraone-Kawiti, spokesman for Te Waiariki and Ngati Korora hapu says: &ldquo;Mr. Green has no right to bulldoze through Maori land. In this area, our tupuna used to wash the bodies of the dead before burial.&rdquo; Mr. Green&rsquo;s neighbours, the Mahanga family, successfully seek a Maori Land Court ruling stopping any further work on the track. Mr. Green says a Court decision in 1963 gave him permission to construct a 20 m wide accessway and that he will appeal the injunction.

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April 1998 &ndash; the Hon. Dr. Nick Smith, the Minister of Conservation, states that there is no quick and ready solution to the issue of the Ngunguru Sandspit. Apart from anything else, there is the question of getting the current landowner to accept the true value of his property &mdash; that of a mostly unstable and hazardous landform &mdash; before meaningful negotiations can get under way.

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August 2001 &ndash; property developer, Ocean Pines Ltd, applies to the Whangarei District Council to subdivide about 90 ha of Mr. Green&rsquo;s land into twenty-one small farms. Mr. Green says that &ldquo;he is connected to Ocean Pines in a modest way&rdquo;.

A map accompanying the application shows a long thin strip down the centre of the Ngunguru Sandspit with lots of between 4 and 5.8 ha off either side of it. The Resource Consent application says that access to the subdivision will only be available by water.

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August 2001 - An informal petition is sent to the Whangarei District Council signed by over 1,000 residents. The petition reads: &ldquo;in the public interest, we urge the Tutukaka Residents and Ratepayers Association to represent their community in:

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insisting that any application to develop the Ngunguru Sandspit be publicly notified in accordance with the provisions of the Resource Management Act

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demanding that, under the Act, the Whangarei District Council fulfils its obligation to accept the latest information and recommendations in the Whangarei District Council Coastal Hazard Zones study

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2001 – National Institute of Water & Atmospheric Research expert, Mr. Terry Hume, states that recent scientific evidence recognizes that: “Spits in river mouths are extremely turbulent places. Today we would not allow people to build in these types of areas.”

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2001 – Mr. Tony Phipps, Northland Regional Council Monitoring Manager, states: “If you let people build on sand dunes then the inevitable will happen – in the end the sea will claim it back”. If the Environment Court rules in favour of the Northland Regional Council it could see the end of the controversial plans to subdivide and develop the Ngunguru Sandspit.

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September 2002 – The Whangarei District Council’s “Coastal Management Strategy – Managing our Coastal Environment” wins the New Zealand Institute of Planning award of Merit for “an outstanding contribution to planning”. The Whangarei District Council adopts the strategy as official policy.

The “Coastal Management Strategy – Managing our Coastal Environment” document sets out: “local implementation directions for achieving the overall vision for the Ngunguru Policy Area” and states that it will, “seek protection in perpetuity of the special natural character, heritage and sense of place values of the Ngunguru Spit through the establishment of a reserve or park”.

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February 2003 – Whangarei District Council proposes a draft “Ngunguru Structure Plan”. It is a strategy that sets a long term direction for the future of the coast outlining the need for planning of the Ngunguru area due to the identification of potential threats to the coastal values of this area.

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March 2003 – Two Community meetings are held which are very well attended by the Tutukaka Coast residents. The main concern of the community is to see the Ngunguru Sandspit protected and become a regional Park.

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July 2003 &ndash; Mr. Green transfers the Ngunguru Sandspit to BBG Coastal Ltd; a subsidiary of Landco.

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September 2003 &ndash; the four titles of the Ngunguru Sandspit are valued for rating purposes at \$2.35 million.

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November 2003 &ndash; The &ldquo;Ngunguru Structure Plan&rdquo; is adopted by the Whangarei District Council. The development of this plan canvassed: &ldquo;the views and values of the local coastal communities to shape the future of their community&rdquo;.

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September 2004 &ndash; The &ldquo;Coastal Management Strategy - Managing our Coastal Environment&rdquo; of September 2002 and the &ldquo;Ngunguru Structure Plan&rdquo; of November 2003 are published and widely distributed in a Whangarei District Council Ngunguru Community Newsletter entitled; &ldquo;Whangarei Coastal Strategy &mdash; managing our coastal environment&rdquo;.

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November 2004 &ndash; The Ngunguru Sandspit is put up for sale again by BBG Coastal Ltd (Landco) through Bayleys Real Estate. The advertisement states: &ldquo;This rare site has unlimited potential to develop exclusive and enviable lifestyle retreats by maximizing the multiple building sites.&rdquo;

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February 2005 &ndash; Councillor Mr. Frank Newman writes in the &ldquo;Focus&rdquo; magazine that the Ngunguru Sandspit has two resource consent designations: the bulk of the sandspit panhandle being &ldquo;Outstanding Landscape area&rdquo; while the remaining thin estuary strip and the areas behind the sandhills is designated &ldquo;Notable Landscape&rdquo;. Mr. Newman comments further: &ldquo;Given the public interest and significance of the Ngunguru Sandspit it is likely that, if a resource consent application was received, it would be publicly notified.&rdquo;

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February 2005 &ndash; A petition is circulated calling for the protection of the Ngunguru Sandspit and the adjacent Whakairiora mountain, and for public access along existing tracks to be retained. The petition with over 2,300 signatures is handed to the Whangarei District Council.

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28 February 2005 &ndash; tenders close for the sale of the Ngunguru Sandspit.

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March 2005 &ndash; Several residents form the Ngunguru Coast Action Group and waste no time in putting into action a plan to raise public awareness of the dangers of development to the Sandspit and the adjacent forested area, Whakairiora.

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April 2005 &ndash; The figure of \$37.65 million is given in a valuation of the Ngunguru Sandspit prepared for the vendor by C.B Richard Ellis Ltd. Government valuation of the sandspit is \$2.35 million. With much of the area classified as hazard zone, the high figure given is questionable.

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28 May 2005 &ndash; Some 600 people turn up at a mid-winter protest, some having traveled a considerable distance to be present. A flotilla of about seventy craft take to the water with flags and banners flying in the media event &ldquo;All Hands on Deck&rdquo; to ask for the protection of the Coast and oppose development and subdivision of the Ngunguru Sandspit and adjacent Whakairiora.

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14 & 29 June 2005 &ndash; Two applications by Messrs. Mathers, Butt and Partners to subdivide a 33.35 ha block of land including Whakairiora, adjacent to the Ngunguru Sandspit, into four allotments are heard before Independent Commissioner, Mr. Allan Watson, on behalf of the Whangarei District Council.

The applicant is requesting the right to destroy 4,000 sq m of native vegetation for the house lots &ndash; twice the area permitted by the District Plan &ndash; and a further 3,800 square metres for the construction of access tracks.

Four submissions in opposition to the applications are heard from the NZ Historic Places Trust, the Department of Conservation, Te Waiariki / Ngati Korora / Ngati Taka Hapu Resource Management Unit and the Tuhaia Kerepeti Whanau. Further evidence is provided by Ms. Davidson on behalf of the Ngatiwai Trust Board. A paper is also presented on behalf of Mr. Wade Doak.

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17 July 2005 &ndash; Ngunguru Sandspit is taken off the market by Bayleys Real Estate, agents for Landco Ltd: the current owners. When tenders closed on 28 February 2005, no acceptable buyer had been found.

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18 August 2005 &ndash; the decision regarding Messrs. Mathers, Butt and Partners Applications to subdivide a 33.35 ha block of land including Whakairiora is released. The Commissioner determines that, subject to certain conditions being observed, Resource Consents can be granted.

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14 September 2005 &ndash; The three hapu involved with the Whakairiora hearings: Te Waiariki, Ngati Korora and the Ngati Taka, lodge an appeal with the Environment Court against the Whangarei District Council regarding the proposed subdivision at Whakairiora.

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September 2005 &ndash; the Department of Conservation and the New Zealand Historic Places Trust also lodge appeals with the Environment Court regarding the proposed subdivision at Whakairiora.

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5 October 2005 &ndash; Landco Ltd holds its first Community Consultation Evening in the Ngunguru Sports Complex. The meeting is attended by more than 200 people. The mood of the meeting is clearly that the Ngunguru Sandspit should become a reserve.

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November 2005 &ndash; Landco Ltd attempts unsuccessfully to enter into a Memorandum of Understanding in Relation to Ngunguru Sand Spit with the Whangarei District Council concerning the future of the Sandspit. The secret document is later published in full.

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11 January 2006 &ndash; The Tutukaka Coast Ratepayers & Residents Association Ngunguru Sandspit questionnaire shows that 67% of the community believes the area should be a public reserve. 83% favour the Department of Conservation as the most preferred purchaser of the Sandspit. 92% favour increasing the environmental protection of the area. 71% say the owners of the sandspit should be compensated for the loss of property rights.

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15 March 2006 &ndash; The Whangarei District Council is criticised by the Environment Court over its subdivision rules. The Environment Court upholds an appeal by the Department of Conservation and raises the minimum lot-size in Coastal and Countryside Zones from 4ha and 6ha respectively to 20ha.

The court finds the Council's sub-division rules in the two environments to be defective and says the interim 20ha minimum will protect the environment while the Council rewrites the rule book. The judgement also says that the Council's approach does not meet the purpose of the 'Resource Management Act' by a considerable margin.

17 March 2006 &ndash; Deputy Mayor, Mr. Phil Hulse, announces on National Radio that the Northland Regional Council has the funds and the rating powers to purchase the Ngunguru Sandspit and create Northland&rsquo;s first Regional Park.

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25 March 2006 &ndash; The Ngunguru Coast Action Group holds an event entitled &ldquo;Stories, Myths and Facts&rdquo;. An informal afternoon of sharing stories and photographs, along with the display of educational material, is followed by an evening with invited speakers from the Whangarei District and Northland Regional Councils, a local archaeologist and others, as well as Landco.

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9 November 2006 &ndash; The Northland Conservator for the Department of Conservation states that the Ngunguru Sandspit is an important biological and cultural site and the department is keen to protect it. The Department of Conservation is looking at a land swap but this is in the &ldquo;early days&rdquo; of discussion.

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November 2006 &ndash; Landco Ltd&rsquo;s &ldquo;Ngunguru Sandspit Newsletter&rdquo; issue Number 1 is advertised in the Coastal Report magazine.

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November 2006 &ndash; Landco now owns the Whakairiora title. Previously owned by Messrs. Mathers, Butt and Partners and then Neverlands Investments Limited. This is significant as it gives the Whakairiora owner the chance to try for access to the sandspit which it also owns. The current Resource Consent application for subdivision of the Whakairiora title has a condition that all native vegetation, other than the 4 house sites and roads to the 4 house sites, must be covenanted.

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30 November, 1 & 2 December 2006 &ndash; Landco Ltd holds &ldquo;drop in&rdquo; days at the Ngunguru Memorial Hall presenting its plans to build 350 houses on the Ngunguru Sandspit.

Landco releases &ldquo;Ngunguru Sandspit Newsletter&rdquo; issue Number 2. Landco requests that feedback forms on the proposed subdivision be returned by 15 December 2006.

Information of Landco Ltd&rsquo;s plans is inadvertently posted on the Landco website prior to the official release. This provides the opportunity for many people to show their opposition to this development and many new people sign up as Friends and Guardians of the Ngunguru Sandspit. Landco Ltd omits the option of &ldquo;no development on the sandspit&rdquo;. This had been the overwhelming response at the original consultation meeting in October 2005 where Landco Ltd stated it would listen to public input.

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December 2006 &ndash; All District and Regional Councils are instructed to complete hazard investigations by end of 2008 and do community response plans relating to the Government&rsquo;s Tsunami Plan with &ldquo;at risk&rdquo; communities by June 2009. Councillor Ms. Robin Lieffering expresses concerns for what could happen for dealing with any disaster with &ldquo;at risk&rdquo; communities between now and 2009.

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18 December 2006 &ndash; The Whangarei District Council declares the Ngunguru Sandspit an &ldquo;iconic landscape&rdquo;. It is the only privately owned landscape that is declared a natural reserve. The council plans to seek changes to the Local Government Act so that any developments in areas identified as either iconic or outstanding reserve will have to ensure the amenities are not spoilt.

Councillor and Environmental Services Committee member, Ms. Sheryl Mai, said the owners of private land identified as natural reserves are expected to follow Council guidelines on the care of such places. Ms. Mai said all the iconic landscapes are protected under the existing council laws.

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3 January 2007 &ndash; The Ngunguru Coast Action Group holds a &ldquo;Land and Sea Celebration&rdquo; at the Ngunguru Memorial Hall presenting the history of the Ngunguru Sandspit over the last 40 years and Landco Ltd&rsquo;s development proposal. Many more people sign up as &ldquo;Friends & Guardians of the Ngunguru Sandspit&rdquo;.

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Early 2007 &ndash; Landco Ltd proposes to finalise its plans for the Ngunguru Sandspit and lodge applications for consent.

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7 February 2007 &ndash; The Ngunguru Coast Action Group becomes Ngunguru Sandspit Protection Society Incorporated (NSaPS)

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To promote the protection of the historic, cultural and natural state of the Ngunguru Sandspit and its associated coastal area.

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To take all reasonable steps to preserve and protect indigenous flora and fauna and the natural features of New Zealand and in particular the area surrounding Ngunguru for the present and future generations.

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To spread knowledge and encourage appreciation of native flora and fauna.

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To educate the public of all age groups regarding the importance of protecting natural resources.

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To meet the vital need to conserve the environment.

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February/March 2007 &ndash; Landco publishes its third newsletter outlining its plans for its proposed development and states that it will lodge applications for consents in this year.

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17 May 2007 &ndash; An abatement notice is served on Landco by Whangarei District Council for non-compliance of land use resource consent conditions on Whakairiora. The abatement notice requires that no earthworks are carried out above the permitted volume and that no further earthworks and vegetation removal are undertaken until various conditions are met. This results in halting further progress on access development but not before an ugly wide road scar slices through the forest. See images in the photo gallery.

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August 2007 &ndash; NSaPS organizes a hugely successful sandspit beach cleanup walk, below the mean high water mark. The privately owned spit and mountain have riparian rights meaning the public is not allowed above this line.

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August/September 2007 &ndash; Online art auction to raise funds for NSaPS proves a great success sending the society's message country-wide.

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December 2007 &ndash; The campaign to rescue Ngunguru sandspit from development has a boost from prominent Northland artist Steve Moase. Mr Moase, devotes a year's work exclusively to images of the sandspit and gifts 250 limited edition prints of one of his original artworks &ldquo;The Tranquil Spit Endures&rdquo; to NSaPS.



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3 April 2008 &ndash; "Minister of Conservation Steve Chadwick visits Ngunguru. After discussions with Ngunguru Sandspit Protection Society (NSaPS) and the landowner (Landco), the government agrees to negotiate to secure the sandspit as a conservation area." Scene Magazine

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30 June 2008 &ndash; Ngunguru Sandspit Protection Society Incorporated (NSaPS) is registered as a charitable entity under the Charities Act 2005 under registration number: CC30040

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July 2008 &ndash; Todd Capital buys the rest of Landco after the company holding the remaining 50.5 percent, associated with Auckland property developer Mr. Greg Olliver, is placed in receivership. The Todd family already owns half the company and buys the remainder from The Phoenix Trust, of which Mr. Olliver was a Director.

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2009 &ndash; Whakairiora and the four Sandspit titles owned by Todd Property Group have subsidiary names: Ngunguru Coastal Investments Limited for Whakairiora and Ngunguru Coastal Holdings Limited for the four Sandspit titles.

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February 2010 &ndash; A presentation is held at Ngunguru Hall by University of Auckland Geography Professors, Dr. Damian Collins and Dr. Robin Kearns: "Ngunguru Sandspit. What's at stake?" The results of an independent two-year investigation into community views, ownership and future options for Ngunguru Sandspit. More than 100 attend.

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August 2010 &ndash; Official Tsunami Evacuation Zone maps show all Ngunguru Sandspit as situated in highest risk, orange zone.

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18 September 2010 &ndash; Second sandspit beach walk organized by NSaPS with a large turnout for the event.

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November 2010 &ndash; National Geographic Traveler magazine rates the Tutukaka Coast its top warm-water coastal destination.

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December 2010 &ndash; The New Zealand Coastal Policy Statement comes into force. NZCPS is a national policy under the Resource Management Act (1991). It addresses challenges and key issues of our coastal environment and relates directly to how the Ngunguru sandspit and surrounding areas are managed.

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25 August 2011 &ndash; The Minister of Conservation, Kate Wilkinson and local MP Phil Heatley visit Ngunguru and announce that the Crown has secured most of the sandspit for the public. This was done by way of a land swap with Todd Property Group. It has taken 47 years to achieve this result. The last six years saw an intense campaign to achieve this outcome with community support, the more than 700 Friends of Ngunguru Sandspit and the Northland Department of Conservation Conservator, Mr. Chris Jenkins. During the six years NSaPS took every opportunity to promote its aims through lobbying, submissions, art exhibitions, local fair and gala days, newsletters, celebrations, presentations, events and more.

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August 2011 &ndash; With the change of ownership of part of the Ngunguru Sandspit the task of NSaPS is now twofold:

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The publicly owned part of the Sandspit is presently under the management of DoC. In cooperation with hapu, iwi and the wider community, NSaPS will work to decide how to protect the values of the site.

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In accordance with the rules and aims of the Society, NSaPS is committed to work towards the protection of the historic, cultural and natural values of the associated coastal areas of the Ngunguru Sandspit, namely Whakairiora Mountain and the balance of the Sandspit. NSaPS has the will and resources to act in a supporting role to achieve this aim.

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21 September 2011 &ndash; A godwit welcoming ceremony; the first of its kind for Ngunguru, is held on the Sandspit. The occasion also celebrates the news that most of the Ngunguru Sandspit is now Department of Conservation land

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March 2012 &ndash; The Maori Appellate Court declares that the road across private land which ends at the Whakairiora Mountain block boundary, is to be a public road extension of Ngunguru Ford Road.

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25 May 2012 &ndash; Todd Property Group Limited confirms in writing as follows:

&ldquo;Since taking ownership of the land in 2008 Todd Property Group has acted with the utmost propriety in liaising with all groups that consider themselves to have an interest in the land. This includes DoC, council, neighbours, wider iwi interests and the society itself. We have honoured all commitments made including acting in genuine good faith in all discussions and engaging in no surprises dialogue. We still adhere to these principles, which we consider far more effective in providing beneficial outcomes than committing limited resources to legal correspondence.

We believe the proof of our approach has been evidenced by the fact that the most ecologically and visually valuable portion of the original land holding is now in public ownership. This process was openly communicated to the Society and could only be completed through a considerable amount of goodwill and commitment by ourselves.

We will show continued goodwill and commitment in determining potential outcomes for the remainder of the land although this is not something at the forefront of our work streams at the present time. Therefore I can confirm that there are no imminent applications due to be lodged with Council for the remainder land. Further, there are not even design work streams or discussions relating to the land in train. This could have easily been confirmed with a telephone call or email.

We are more than willing to answer any queries the Society may have but at the present time we do not have anything to proactively communicate.&rdquo;

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5 June 2012 &ndash; A request was made to WDC for information about the status of resource consents on the Whakairiora Mountain block. The Whangarei District Council advises in writing as follows:

RC38353 was granted by way of consent order by Environment Court dated 31st July 2006. A variation to conditions was processed and granted by the council in January 2008. No Section 223 / 224 applications have been received since for this development. Given the five year period to give effect to the subdivision by way of Section 223 approval passed on 31st July 2011, it would appear the subdivision consent has lapsed.

RC38352 was granted in conjunction with the subdivision consent to allow for bush clearance and earthworks. A further consent RC40418 was granted in October 2007 amending the amount of earthworks to be undertaken. It is my understanding at this point that the works completed on the site amount to some clearance and earthworks for a central accessway, but am not aware of any further works being undertaken for quite some time. Given that RC40418 effectively lapses

in October 2012, it is unlikely that further works can be carried out after that date without a new consent.

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21 July 2012 &ndash; In line with the concept of joint management procedures, a Community Engagement hui is held at Ngunguru Marae following an invitation by DoC. It is an opportunity to discuss future aspirations of whanau/hapu and community groups that have a vested interest in the Ngunguru Sandspit. Feedback from this hui indicates that the sandspit is important to people because it is a w hi tapu and a 'wilderness' place of spiritual and cultural integrity. The sandspit is an area that brings the whole community together, although people have different priorities. It is a quiet place to walk and observe and a place of special wairua. Further hui are planned to discuss who, how and what needs to be done.

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2 September 2012 &ndash; NSaPS holds its third sandspit beach walk with special attention to the nesting and protection of the endangered New Zealand dotterel. Most of the Ngunguru Sandspit is now in public ownership but concerns remain for the southern end of the Sandspit and Whakairiora Mountain, both still in private ownership.

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January 2013 &ndash; The Whakairiora resource consents for subdivision, land use and earthworks have now lapsed. NSaPS remains vigilant for further resource consent applications and has assurance from the Whangarei District Council that it will advise NSaPS of any future applications relating to the remainder of the sandspit and Whakairiora.