

The past use and development of EPL's existing site was on land once accessed and used by tangata whenua for both recreation and mahinga kai. That development alienated whanau and hapu of Ngai Tawhiri, Hauiti and Ngai Tamanuhiri from their ancestral area and customary practices to accommodate the commercial interests of the logging industry to use the land primarily for the storage of logs.

My whanau previously held land in the area across from the log storage area and as far north as the Sponge Bay rifle range before the Crown seizures of the 1860's. The areas where logs are now stored were commonly used for camping areas by those whanau and hapu who had recourse to move to rural lands and from there they would gather kaimoana. I last did so with members of my extended whanau during the 1960's.

The Port Development Group at that time :-

- Ignored and bypassed the rights of those tangata whenua to be consulted. There are still a few who have land opposite the site who were not part of Te Tai Uru.
- Failed to ensure the correct policy structures and protocols were in place with clear roles and responsibilities regarding the cultural values and issues relating to customary access rights to coastal kai moana and the protection of marine life in particular taking heed of the traditional koura spawning grounds.

Sadly, the present application falls into the same category of inappropriate actions. Colourful brochures and pretty words on the internet or computer screen (or paper) do not represent meaningful consultation or communication.

There was and still are sufficient statutory procedures and guidelines set down for the Port Development Group to have engaged actively and meaningfully with tangata whenua:

- a) The Treaty of Waitangi provides clear guidelines and directions devolving from
 - the Turanganui-a-Kiwa tangata whenua signings of the 5th and 12th of May 1840,
 - the legislative and legal restructuring culminating in the Waitangi Tribunal Act of 1975 reconfigured to enhance the relationships and rights of Treaty partners,
 - more recently the Treaty Settlements concluded with local iwi Rongowhakaata and also Ngai Tamunuhiri, both have mana whenua in this area acknowledged by their individual Deed with the Crown.
- b) The RMA 1991 too has sufficient visible guidelines to direct developers towards meaningful engagement and consultation, specifically,
 - Section 6 recognising and providing for
 - (c) Protection of areas of Significant habitats of indigenous fauna,
 - (d) the maintenance and enhancement of public access to and along coastal marine areas ...
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, waters etc.

(g) the protection of customary rights

- c) Section 7 sets out that “ in achieving the purpose of this Act, all persons exercising functions and powers under it in relation to managing the use, development and protection of natural and physical resources shall have particular regard to (a) kaitiakitanga.

Ngai Tawhiri, Hauiti and Tamanuhiri secured agreement with the Crown as those hapu who had mana whenua in this area of Turanga within their Treaty negotiations and was supported by the late Api Mahuika as Ngati Porou spokesperson in attendance at that meeting. The mana whenua, mana papatuanuku rights are inalienable and not extinguishable by the loss of or the purchase/sale of the land.

Te Tai Uru, the tangata whenua, tangata moana group set up (as a condition of EPL's original resource consent) to oversee EPL's Wharves 6 and 7 refurbishment and participate in the preparation of the Twin Berths consents, did not represent the interest of my whanau and hapu who still have land in that development area and received no notice then or now from EPL.

I understand further that Te Tai Uru did not in fact participate in the preparation of the current Twin Berths consent applications either, and were not able to access drafts of these until they were formally notified to RIT on 14th September 2022.

Recommended action and reasoning

- a) My whanau and I were not notified or consulted originally as adjacent landowners and as Ngai Tawhiri hapu with mana whenua / kaitiakitanga rights. We oppose the application in its present form.
- b) Containers ships locate for logical reasons in the waters offshore of Te Kuri a Paoa and the operation and scale of the proposals seem to be more suited to that locale.
- c) Aligned to the dispersed location of other logging activities in the Awapuni area on the west side of the railway lines this proposal continues the proliferation of an activity that is not a natural part of sensible and wise urban planning policy. Again another reason to oppose this application.
- d) The extent to which the developers (EPL) maintain that these developments benefit the community and sustain the local economy are based on flawed logic and the manipulation of statistical data. There are few essential or useful commodities that enter or leave the Port by shipping – container, coastal or otherwise, for the main channel for freight of this nature still remains as road transport. So what benefits are there and are they sufficient to outweigh the issues that arise.

I support the application by Rongowhakaata Iwi Trust

Manawa-Ote-Rangi Waipara
Ruapani, Ngai Tawhiri, Ngai Te Kete
14 Oct 2022

βSubmission re-GDC/Liveable Communities Proposal

a) Oppose :-

- All applications to construct a whare on Titirangi maunga as in the notification,
- All proposed constructions to support the whare in relation to parking/access, earthworks, signage and landscaping

b) Reasons :

- i) I am opposing this proposal in my own right as an existing shareholder to land on this maunga. My great grandfather, Rota Whakaatere **WAIPARA**, was also kaitiaki and kaimanaaki to land gifted by Ngai Tawhiri for services circa 1818-1819 by the **WHAKAATERE** whanau. The machinations of the Poverty Bay Commission and the activities of the Gisborne Councils of the early 1900's dispossessed him and others of much of this land.
- ii) The dispossession of Ngai Tawhiri whanau of such lands does not remove their traditional custodial rights as descendants to this tohu whenua and mana whenua.
- iii) Despite a history of recent dispute between and with neighbouring whanau and hapu, an agreement was reached before the Crown via the Office Treaty Settlement, that was deemed to be binding between the parties to it – the Turanga iwi of Tamanuhiri, Te Aitanga-a-Mahaki and Rongowhakaata in party with Ngati Porou represented by the late Api Mahuika.

This agreement in brief accepted that mana whenua over the area of Kaiti was not held by iwi but would sit principally with hapu Ngai Tawhiri, Hauiti and Tamanuhiri.

Neither GDC nor Oneone were seen to have a place in this matter.

- iv) The monument erected to those who fell in the great wars was on land granted by Ngai Tawhiri and others for that purpose and objections were raised when others sought to extend the use of that area for other purposes.
- v) As Kaiti Hill, Titiranga maunga has special significance as a tohu whenua for all whanau and hapu with Turanganui-a-Kiwa connections and this proposals tramples on their mana that arises from that significance.

c) Historical notes.

- The proposed application is surprising in its audacity for on one hand it aligns to the historical means used by past councils and councillors as far back as 1903 to seek to alienate Ngai Tawhiri and Hauiti descendants further from their heritage and land. It matches the means used by those with power and resources such as the WD Lysnar estate or the William Williams Family group to acquire the use of the land in this area.
- The Crown confiscated 1.2 million acres of whanau and hapu whenua as payment for bringing the combined Militia/Kupapa forces to protect those in the 'settlement' in 1865

from the Hauhau threat. It retained 500 000 acres, allocated half of the remaining for settler purchase (from the Crown of course) with the remainder being returned through the PBC/ Native Land Court to those claimants of local whanau/hapu. It did so but only to those not deemed as rebels of Rongowhakaata, Mahaki and Tamanuhiri who were excluded from the processes. Those not familiar or able to cope with the legal culture were not represented either.

- Several 'colonial families' of note gained land without clear or legitimate searches by court officials and continue to occupy those today including Kaiti. Others too gained land in perpetuity and at 'peppercorn' rentals and they too still occupy much of that today. 1980 was one of the few opportunities for whanau to seek to reclaim some of those lands but most were unaware of the process required to put in submissions. Furthermore, where any of those lands were offered back to 'iwi' as in the Rongowhakaata Claims process, they were certainly not at peppercorn price tags.
- Clearly then, when applied to Titirangi maunga- Kaiti Hill it is easy to see how so little of our land remains in our hands. It gives further significance to opposing the proposed application as set out by GDC and Liveable Communities.

Naku noa

Na

Manawa-Ote-Rangi WAIPARA

Nga uri o Ruapani, Ngai Tawhiri, Ngai Te Kete of Te Arai