

NorthPort Ltd Extension

NRC and WDC

APP .005055.38.01

LU 2200107

Further Closing Legal Submissions

22 May 2024

Te Iwitahi Manihera whanau, Te Parawhau hapu:

Thurs 23rd May 2024

Initial Responses are in RED type

We are Tangata Whenua and Objectors that submitted at Takahiwai Marae 2023, along with Waimarie Kingi, Ngati Kahu Torongare. We have not been consulted by NorthPort...

**‘Act in Good Faith’ and in accord with the Principles of the Treaty of Waitangi:
‘Participation, Protection, Partnership’**

Evidence of ‘Tangata Whenua’ status is attached, as per Objection

3. IRRELEVANT CONSIDERATIONS

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(d) Marine and Coastal Area (Takutai Moana) Act 2011 (“MACA Act”)

applications: Given that no customary marine title or protected customary rights have been issued in respect of the area of Northport’s resource consent application, the MACA Act is of no further relevance to the current application and should not – and cannot – affect the Panel’s consideration of the Proposal under the RMA. **35**

35 This is confirmed in Ngāti Kuku Hapū v Bay of Plenty Regional Council [2023] NZEnvC 163 at [122]. During oral submissions, counsel for PTITB essentially accepted this position.

WE TOTALLY REJECT Northport’s position as stated above

The Waitangi Tribunal findings Stage2 part1, state that the Poupouwhenua lands were confiscated from Te Parawhau hapu.

**The MACA High Court hearings have concluded for the Whangarei Harbour, and the hearings for the Harbour Coastal Area are due to commence in July 2024 – in approx. 7 weeks
Judge Harvey, High Court, stated at the closing submissions for Whangarei Harbour that he would endeavour to release his Decisions by mid-July 2024.**

SURELY, this Resource Consent application Decision must be delayed till the High Court decisions are released. The High Court could well decide on who holds ‘Marine Title’ to Poupouwhenua Rauiri Lands, where this NorthPort Ltd Extension is proposed.

Attached documents evidencing Te Iwitahi Manihera whanau 'Tangata Whenua' status in these lands.

e.g. MANIHERA, for the tribe

Policies relating to places of significance to tāngata whenua

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2.11. We submit that the key provision relating to managing effects on places of significance to tāngata whenua is Policy D.1.4 of the Proposed Regional Plan. That policy reads: Resource consent for an activity may generally only be granted if the adverse effects from the activity on the values of places of significance to tāngata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.

2.12. As outlined in legal submissions for NRC, the “generally only” qualification in Policy D.1.4 has been carefully and deliberately included to explicitly acknowledge that resource consents can be granted in some situations where effects on the values of places of significance to tāngata whenua are unable to be managed so that they are no more than minor.¹⁶ As outlined in Mr Hood’s evidence, D.1.4 “enables consent to be granted... notwithstanding that tāngata whenua have identified cultural effects as being more than minor.”¹⁷

In Te Iwitahi Manihera whanau Objections we evidenced that Poupouwhenua Rauiri lands and the harbour mouth, are an old Taputapu 'Te Kuaha o te Wharetapu o Ngapuhi'.

This makes the lands and waters a 'SACRED SITE'

Again, NorthPort have chosen not to consult us as 'Tangata Whenua'. Why ? ?

Cultural issues

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2.15. Northport greatly values its relationships with iwi/hapū, and their input to the Proposal. Northport has consistently acknowledged that Whangārei Te Rerenga Parāoa forms an intrinsic part of the culture and heritage of iwi/hapū. Further, Northport is strongly committed to actively fostering its relationships with mana whenua. In that respect, **Northport has closely engaged with PTITB, Te Pouwhenua o Tiakiriri Kukupa Trust (Te Parawhau ki Tai), Ngātiwai Trust Board, and other iwi/hapū representatives and entities throughout the scoping, design, and preparation of its application.** Northport has approached this engagement in a genuine, open manner and without preconceived ideas. Engagement required acknowledgement of tikanga (protocols) specific to each of the affected iwi/hapū groups – which Mr Isaacs carefully assisted Northport to acknowledge and seek to achieve.

NorthPort has DELIBERATELY CHOSEN NOT to engage or consult Tangata Whenua – Te Iwitahi Manihera whanau, Te Parawhau, and/or Waimarie Kingi, Ngati Kahu Torongare.

2.16. Northport has made a genuine commitment to meaningful engagement, and in the case of PTITB has adhered to the shared values as recorded in the Te Whakahononga / Relationship Agreement. Northport is actively progressing discussions with Te Parawhau around the terms of a potential Relationship Agreement. In summary, we submit that the Panel can be confident that the longstanding consultation efforts made by Northport have been robust, genuine, and meaningful.

2.17. Northport has heard the evidence and submissions around actual and potential cultural effects associated with the Proposal, and the various suggestions as to how these might be appropriately addressed.

2.18. After hearing those submissions, Northport has pursued the opportunity to further (or differently) address cultural issues, including by proactively engaging with PTITB over the 4-month adjournment period, the costs of which were met by Northport. While highly beneficial for the relationship between Northport and PTITB, **that process has not resulted in agreement.**

NorthPort has NOT engaged or consulted with us, Te Iwitahi Manihera whanau, Te Parawhau hapu, prior or post the Objections hearings at Takahiwai Marae.

NorthPort has NOT engaged or consulted with us about our evidence of 'SACRED SITE' where their proposed development is.

EVIDENCE - NorthPort Ltd and the NRC Hearings Commissioners have our Submissions and supporting evidence from our Objection at the hearings, Takahiwai Marae, 2023.

Request to delay any Resource Consent decisions until

- 1) NorthPort has verified who are 'Tangata Whenua' to these Poupuwhenua Rauiri lands
- 2) NorthPort has engaged and consulted 'Tangata Whenua' groups previously excluded such as Te Iwitahi Manihera whanau, and Ngati Kahu Torongare, and Ngati Tu.
- 3) MACA - That NRC and WDC (& Hearings Commissioners) make NO decisions concerning this application, until the High Court releases its decisions, this year.
Whangarei Harbour, and Whangarei Coastal, MARINE TITLE applications - MACA Takutai Moana Act.
- 4) MACA Marine Title applicants notified Judge Harvey, High Court, that NorthPort Ltd Extension application was before Hearings Commissioners. Also, that the Commissioners had said in reply to our Objections that MACA and Treaty claims are not relevant to this Resource Consent application.
Our lawyer was shocked to hear this about the NRC hearings...that NorthPort's application will probably end up going to Court.

Peter and Eva Vaughan
Te Iwitahi Manihera whanau
Te Parawhau hapu



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▼ ABOUT THIS PAGE

Title: Maori Deeds of Land Purchases in the North Island of New Zealand: Volume One

Author: H. Hanson Turton

Publication details: George Didsbury, 1877



Part of: He reo nō ngā whakaritenga me ngā pukapuka here / Language of agreement and obligation



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Poupouwhenua - Rauiri

OTHER FORMATS



CONNECT



MAORI DEEDS OF LAND PURCHASES IN THE NORTH ISLAND OF NEW ZEALAND: VOLUME ONE

[DEEDS—NO. 101.]

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Deeds—No. 101.



CLAIMS OF TLRARAU AND TE MANIHERA TO POUPOUWHENUA, WHANGAREI, EXTINGUISHED.

He pukapuka tuku whenua tenei na te Manihera ratou ko era atu tangata i tuhituhia ki Whangarei i tenei ra i (14) tekau ma wa o nga ra o Hurae i te tau o to tatou Ariki kotahi maho waru rau ma rima tekau ma wa. Ko te Manihera ko te Tatau ko te Maremare ko Poa ko te Karekare ko Reneti nga tangata e pa ana ki te Rauiri ki Poupouwhenua ka whakaae matou ki te tuku i tenei wahi o to matou whenua kia te Kuini Wikitoria. E whakaae ana hoki te Kuini o Engarani ki utu mai ki a matou kia tekau pauna moni i homai kia matou i te ringaringa o te Honiana i tenei rangi.

1854. 14
Poupouwhenua

Receipt for for £1



Kua oti o matou whakaaro katoa ki Poupouwhenua ko ona rohe enei: ka timata ki te Takahiwaehaere tonu i roto i taua awa ka kake i runga i te kaha marere noa ki te moana ka haere i te akau ka anga i roto i Whangarei ki te puwaha o taua awa o Takahiwaehaere.

Boundaries.

Kua oti rawa tenei wahi ki a te Kuini Wikitoria me ona awa, roto, rerenga wai, tarutaru, raupo me nga mea katoa i runga i te whenua i raro o te whenua me nga wahi pai me nga wahi kino; koia matou ka tuhituhi i to matou ingoa i tenei rangi i te ao marama me te Honiana tetahi kai whakarite mo te Kawana o Nui Tireni hoki e whakaae ana ki nga korero o te pukapuka koia ka tuhituhi hoki i tona ingoa.

JOHN GRANT JOHNSON,
Dist. Commissioner.
MANIHERA, mo nga tangata.

I te aroaro o—

William Bedlington.

TRANSLATION.

This is a Deed or conveyance of Land executed by Manihera and his tribe at Whangarei on the (14) fourteenth day of July in the year of our Lord one thousand eight hundred and fifty four (1854).

1854. 14 July. W.
DISTRICT.

Now we Manihera, Tatau, Te Maremare, Poa, and Kare Kare and Reneti being the claimants of a piece of Land called the Rauiri at Poupouwhenua do consent to sell our claims to this portion of our Land to Queen Victoria and the Queen Victoria on her part consents to pay us the sum of Ten pounds which we have received at the hands of Mr. Johnson this day. We hereby withdraw all our claims on Poupouwhenua the following being the boundaries Commencing at a stream called the Takahiwaehaere going in the course of the aforesaid stream to its sources it then ascends the range and goes along the top of the range until it falls into the sea thence along the sea beach to the mouth of Whangarei to the mouth of the aforesaid river of the Takahiwaehaere.

POUPOUWHENUA.

Receipt for £10.

Boundaries.

The aforesaid Land has been absolutely surrendered to the Queen Victoria with all its rivers, Lakes, waterfalls, grasses, raupo with everything above the Land and below the Land all the good places, all the had places.

Therefore we sign our names this day likewise Mr. Johnson a Commissioner on the part of the Governor of New Zealand does give his consent to the provisions of this Deed and sign his name below.

(Sd.) JOHN GRANT JOHNSON, D.C.

→ MANIHERA, for the tribe. (Te Parawhau)

In the presence of—

(Signed) William Bedlington.

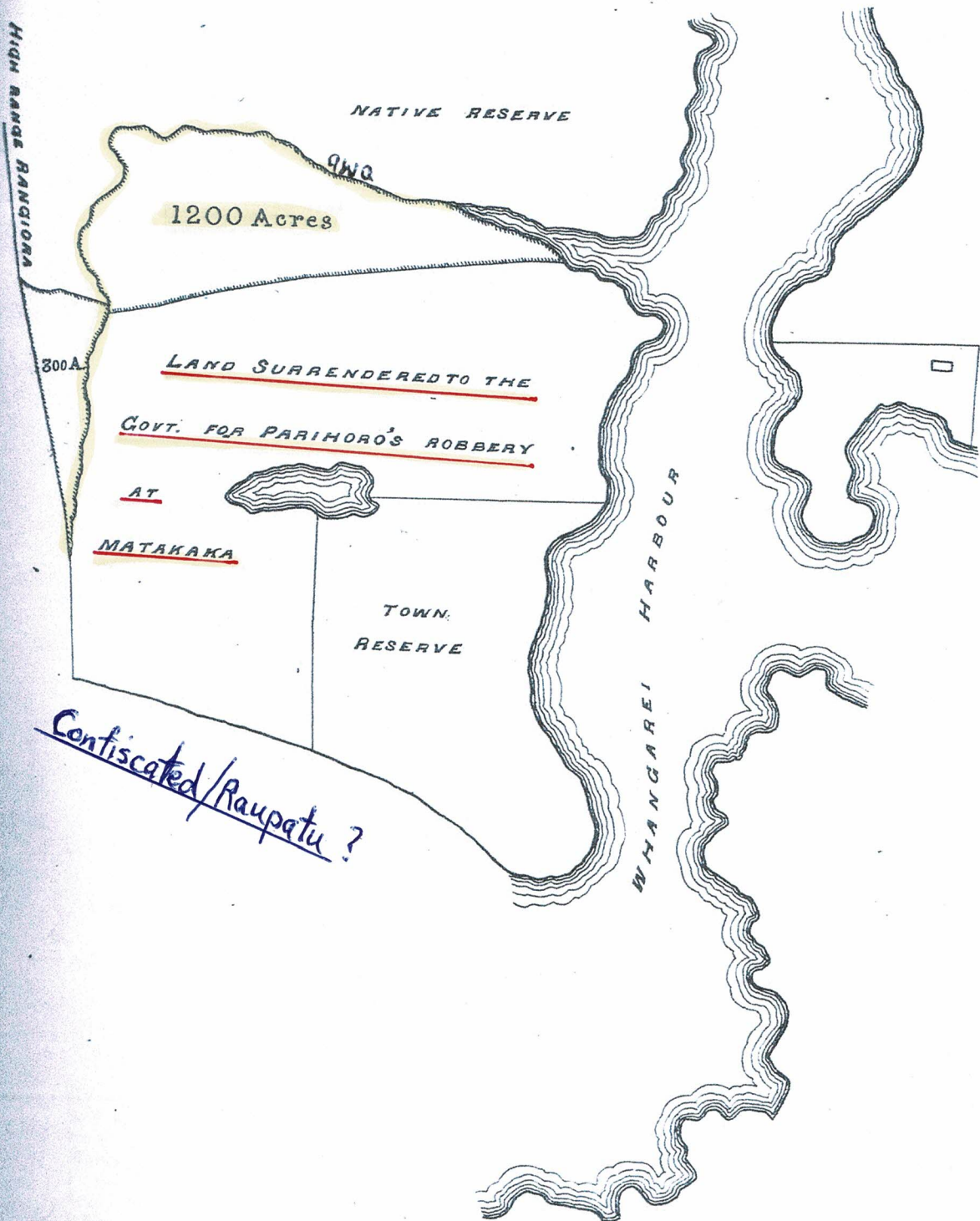
A True Copy of Original Deed and Translation.

H. HANSON TURTON. Wellington, March 18th, 1875.

WHANGAREI DISTRICT

TAKAHIWAE BLOCK

7 July 1854





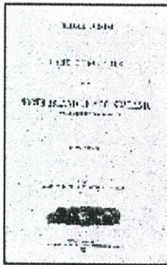
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Rauiri (Poupouwhenua)

Annex B

Manihera, for the tribe

OTHER FORMATS



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TRANSLATION

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