

QUOTE 5055 and 2200107 ASLU

Submitter's Statement

IN THE ENVIRONMENTAL COURT

CONCERNING

THE RESOURCE MANAGEMENT ACT

AND

IN THE MATTER OF

The Resource Consent Application by Northport Ltd.

To enable the expansion of Northport's existing facilities to increase freight storage and handling capacity and support Northport's transition into a high-density container terminal.

STATEMENT OF EVIDENCE OF MERE KEPA

Dated this 5th day of 2023

Mere Kepa, *Pest Strategy: Takahiwai Hills and Forest*, Ahikaa Roa, Te Parawhau Hapu,
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SUMMARY OF STATEMENT

In this statement, I use my practice of the *Pest Strategy: Takahiwai Hills and Forest 2017-2023* to say that on a general policy position the effects on rare/endorsed species, such as Maori individuals and groups, Indigenous flora and fauna, marine creatures, and birds must be 'avoided'; that is the effects should not occur.

I use the report entitled *Te Parawhau Hapu Korero* to Northport Ltd prepared for Marsden Maritime Holdings and Northport Ltd (hereafter Northport) to demonstrate that on a general policy position the effects on Tangaroa [God of the sea], Tane Mahuta [God of the forest], Tawhirimatea [God of the winds], Papatuanuku [Earth Mother] and Ranginui [Sky Father], at least, at Te Koutu [Marsden Point], Te Poupouwhenua, the rangatiratanga [leadership], and mana [dignity & authority] of the Te Parawhau Hapu must be 'avoided'; that is the effects should not occur.

I use the Maori values of rangatiratanga, and mana, a Maori world view of nature, and the conception of *Pulling Together in the Same Direction* to avoid the effects of the 'modern paradox on the Te Parawhau Hapu, the Indigenous flora and fauna, the marine creatures, and the birds at Te Koutu [Marsden Point], Te Poupouwhenua.

MAY IT PLEASE THE COURT

1. Tena koutou. Tena koutou. Tena tatou katoa.
Ko Tunuiarangi te waka.
Ko Ngai Tahu Te Iwi.
Ko Ngati Whatua me Ngapuhi nga Iwi.
Ko Ngati Tu me Ngati Rangi.
Ko Te Patuharakeke me Te Parawhau nga Hapu.
Ko Tiakiriri Kepa Kukupa toku Papa.
Ko Maraea Hana Te Pou toku Mama.
Ko Corinthia Apikara Kepa taku Teina.
Ko Tangiwai Mary Appleton Kepa toku ingoa.
Ko Manaia te maunga.
Ko Te Ahi Pupurangi Puta Noa ki Te Wahapu o Whangarei Te Rerenga Paraoa te moana.
Ko te Kainga o Takahiwai nga wahi tapu katoa.
Ko 337 Takahiwai Rd, RD 1 Whangarei 0171.
2. I am a direct descendant of Tiakiriri Kukupa. I belong to the Te Parawhau Hapu and the Te Patuharakeke o Te Parawhau Hapu. I am a New Zealand citizen. I live in Takahiwai. The Kainga [ancestral village] is positioned between the Takahiwai Hills and Forest, and the southern shore of the Whangarei Te Rerenga Paraoa harbour.
3. Since retiring from the University of Auckland in October 2014, I have volunteered my service to One Tree Point primary school to enhance children's reading. I have worked to preserve, conserve, and maintain nature that is at risk of population growth, sea level rise, heating, coastal inundation, and coastal erosion, transport, industry, and agriculture emissions in the Takahiwai, Ara Kahika [One Tree Point], Te Koutu, Te Poupouwhenua, Ruakaka, and Waipu areas.

4. In 2015, I established the *Friends of the Berm* group that collaborated our energy into making contaminated landscapes clean and safe. The *Friends* volunteered our service to transform the abused and neglected berm for the betterment of the water, soil, air, and our communities. Our relationships to each other, to nature, and to technology transformed the toxic landscape through clearing-out pest plants, making art, and cultivating gardens. Through our commitment of energy and creativity, our transforming actions have restored the battered school bus shelters picturesquely, and in the gardens the native plants are flourishing. In 2023, the *Friends* who are able of body care for the gardens.
5. I am the lead convener of the *Pest Strategy: Takahiwai Hills and Forest*. The *Strategy* was established in 2017 to control pests and to prevent the spread of Kauri dieback disease in the Takahiwai Hills and Forest.
6. I am a published writer, editor, and a peer reviewer of proven merit. I have a lengthy tradition of fostering International Indigenous relations in scholarly writing, editorship, peer review, teaching and research, and critically thinking about education where language and cultural diversity, and innovation are keenly valued.
7. I write poetry to say that on a general policy position the effects on rare/endangered species, such as Maori individuals and groups, Indigenous flora and fauna, marine creatures, and birds must be 'avoided'; that is the effects should not occur.
8. I am an active writer of submissions to local, regional, and national government to say that on a general policy position the effects on rare/endangered species, such as Maori individuals and groups, Indigenous flora and fauna, marine creatures, and birds, must be 'avoided'; that is the effects should not occur.
9. I comment regularly on cultural and environmental issues that adversely effect the Tangata Whenua [the People of the Land], the Mana Whenua [the Indigenous Maori People who have historic and territorial rights over the land], the Te Parawhau Hapu [the kin of Te Parawhau], Tangaroa [God of the Sea], Tane Mahuta [God of the Forest], Tawhirimatea [God of the Wind], Papatuanuku [Earth Mother], and Ranginui [Sky Father], at least, the Indigenous flora and fauna, marine creatures and birds in the area governed by Whangarei District Council and Northland Regional Council.
10. In 1995, I was the Secretary for the Trustees of the Takahiwai 9A Marae Reservation also known as the Takahiwai Marae Trustees.
11. From 1999 to 2010, I was the Secretary and the Chair of the Patuharakeke Te Iwi Trust Board Incorporated.
12. Presently, I am the Chair of the Kopuawaiwaha 2B2 Trust Incorporated, Hewlett Rd, Mata; as well as the co-opted member of the Takahiwai 9A Marae Reservation Committee also known as the Takahiwai Marae Committee.
13. My extensive experience of Trusteeship enables me to offer knowledge of governance, particularly in the context of Maori Trusteeship. My continued protection of beneficiary interests is paramount in my practice of governance. To be an effective Maori Trustee requires my belief in and practice of the Maori values of rangatiratanga, and mana.

14. In 2021, I was the lead applicant of the successful *O Matou Taonga: All Our Treasures* project funded by Whangarei District Council's Communities Funding Scheme to restore Native trees and beauty to the berm at Takahiwai. I have been the consultant researcher to the Nga Pae o Te Maramatanga [NPM] funded project called *Waiora o Matou Taonga: Healthy Water is Our Treasure* and the National Science Challenge funded feasibility and full study called, *Nga Kaumatua, o Matou Taonga: Supporting Kaumatua Health in a Changing World*. Both the projects are based at James Henare Research Centre.
15. In 2019 and 2020, I worked with Peter Bruce-Iri, the lead applicant of the pilot study entitled, *Whakaora Nga Whenua Whama: Utilising Matauranga Maori and Western Science to Protect and Restore the Soil on Rural Farms in Tai Tokerau* funded by The New Zealand National Commission for United Nations Educational, Scientific and Cultural Organisation (UNESCO). In 2021, members of the *Whakaora Nga Whenua Whenua* research team were contributors to the proposed *Climate Action Conference* as part of the climate action week.
16. In 2023, I am a member of the *Te Taiao and Marae Resilience Kahui* research project convened by Phillip Grimshaw and Peter Bruce-Iri. I am a member of the *Tikanga in Technology Kaumatua Advisory Group* led by Professor Tahu Kukutai, the University of Waikato and Associate Professor Marama Muru-Lanning, James Henare Research Centre, the University of Auckland.
17. Constantly, I am rethinking how research, making art, doing gardens, and controlling pests can make the water, soil, and air clean and safe for all life to thrive. In simple terms, I am rethinking how the Maori God of the sea, the God of the wind, the God of the Forest, the Earth Mother, and the Sky Father, at least, are made sacred and secular, glorious and imposing; no longer the dumping ground for emissions, pests, and poor policy. The synergistic consequences of Matauranga Maori [Maori knowledges] and Pakeha [science] knowledges, experience, and commitment to 'avoid' the effects upon the water, soil, and air are the momentous relations among research, education, health, making art, doing gardens, controlling pests and emissions.
18. Finally, Northport at Te Koutu, Te Poupouwhenua should be a history of Maori and Pakeha and a promise to care for the water, soil, and air, humanity, flora and fauna, marine creatures and birds, now and in the decades ahead.

I HAVE SUBMITTED THAT ...

- A. While the law does not necessarily support a position that existing effects can be ignored, the cumulative effects of loss and damage on Maori people, particularly the Te Parawhau Hapu at Te Koutu, Te Poupouwhenua are palpable. It is fair to say that on a general policy position that the effects on rare/endangered species, such as Maori individuals and groups, Indigenous flora and fauna, marine creatures, birds must be 'avoided'; that is the effects should not occur.
- B. I concur that Section 4 of the Conservation Act requires anyone working under the Act to give effect to the principles of the Treaty of Waitangi when interpreting or administering anything under the Act.

- C. I concur that Pre-1840 the people of the Te Parawhau Hapu were navigators, gardeners, diplomats, war leaders, military strategists, managed land, and were makers of material wealth. We held political, economic, and cultural authority derived from our Whakapapa and from our actions. In the post-1840 world we wrote letters, sent petitions, and testified before government commissions. The very act of doing so was an expression of our rangatiratanga, and mana. This expression remains so.
- D. I concur that the Te Parawhau Hapu is on edge about the seemingly endless rain and the extreme cold this Winter, sea level rise, heating, coastal inundation, and coastal erosion, transport, industry, and agriculture emissions.
- E. I concur that protecting our confiscated, and wild and natural land and water from the cumulative effects of harm from the transport, industry, and agriculture emissions is a priority in a biodiversity and climate crisis.
- F. I concur that the Maori values of rangatiratanga, and mana come from a Maori worldview that emphasises whanaungatanga [blood relations]; rather than the ethic or doctrine that the morally correct course of action consists in the greatest good for the greatest number, that is, in maximizing the total benefit, resulting without regard to the distribution of benefits and burdens.
- G. I concur that the Maori values of rangatiratanga, and mana do not align with Northport's. Northport is a utilitarian instrument pursuing the expansion of the port resulting without regard to the distribution of burdens or loss or damage or destruction of the Maori values.
- H. I concur that protecting Tangaroa, Tawhirimatea, Tane Mahuta, Papatuanuku, and Ranginui, at least, from emissions, excavations, and putting the profits of Northport ahead of the health of the water, air, and soil is exercising the values of rangatiratanga, and mana.
- I. I concur that rangatiratanga, and mana is about the right to be treated in a way that does not endanger the Maori values, and our humanity.
- J. I concur that in 2023 Maori submitters met with Northport Ltd on Monday 27 March, Tuesday 6 June, and on Thursday, 17 August at office of Northport Ltd
- K. I concur that I submitted the report entitled *Te Parawhau Korero* to Northport Ltd on Wednesday 19 July 2023.
- L. I concur, therefore, that on 16.9.2016 in the Waitangi Tribunal, Marina Fletcher proclaimed that: Te Parawhau hapu are opposed to any organization that challenges the mana and rangatiratanga of its people to its resources without our blessing; and
- M. I concur that the 'modern paradox' proclaimed by the Waitangi Tribunal, in 2017, accepts that a Maori presence and ancestral values underpin RMA matters; but in the special circumstances of this application, I concur that

these need to be put in the context of the wider issues of the application, the harbour and the community; and

- N. I concur that the furthest outreach of settlement in Tai Tokerau and their productive lands will receive positive benefits from the availability of the proposed port; and
- O. I concur that the wood and other products that they will export through the port could, in turn, be a contributor to adverse effects on the harbour; and on the customary way of life of the Te Parawhau Hapu living on its shores. This is the 'modern world paradox'.
- P. Therefore, I submit that the application to enable the expansion of Northport's existing facilities to increase freight storage and handling capacity and support Northport's transition into a high-density container terminal. does not meet *all* the requirements of the RMA and should not be approved by the Councils; unless
- Q. The Councils take into account the example that Aotearoa, New Zealand has defended a Maori cosmological view of nature as an ancestor and accorded legal personality in New Zealand law to the Whanganui River and the Te Urewera (National Park), with human guardians to protect their interests. The Indigenous Maori concepts of nature as an ancestor, with the correlative human responsibilities of guardianship for nature offer to the Councils observations for their consideration.
- R. The Councils take into account that the Indigenous Maori perspectives of the environment continue the most ancient hunter-gather traditions of humans as being part of nature and of acknowledging and reflecting humankind's relationship with nature; and
- S. The Councils take into account that the Indigenous Maori cosmologies take a very different view of the relationship from the liberal Enlightenment view that humans are at a distance from—and even above and dominant over—nature; and
- T. The Councils take into account a Maori cosmology takes a different view from the liberal Enlightenment perspective on nature and that the Indigenous Maori view continues to be thought of as unable to coexist with and within a liberal society. Yet despite such difficulties, Aotearoa has in fact recognised Maori cosmology in law recognising the rights of Maori people to hold such views of our relationship with the environment and to have the relationships in nature protected; and
- U. The Councils take into account the adoption of the Indigenous Maori perspectives of nature as kin, rather than simply as a resource. The adoption reflects calls for nature to be conceived of as more than a technology, a property, and as more than a slave to human consumerist beliefs and practices; and

- V. The Councils take into account a spiritual approach to better respect nature together with a practical approach to draw upon current legal conceptions of rights and interests to achieve better protection of the Te Parawhau Hapu, specifically and humankind generally in nature.
- W. I submit that respecting the Maori values of rangatiratanga, and mana, as well as a Maori cosmological view of the headland, at Te Koutu, Te Poupouwhenua as an ancestor depend on the relationship of Te Parawhau Hapu with Northport.
- X. On the other hand, more offshore dredging to construct a storage space is incompatible with the Maori values of rangatiratanga, and mana, and a Maori cosmological view of the land as an ancestor, not to mention clean water, soil and air, sustainable seas, and a liveable climate.
- Y. I submit, then, that that Councils should take into account Northport renting space at the Channel Infrastructure storage terminal.
- Z. Finally, I submit that further polluting the soil, air, and water by Northport endangers Maori individuals and groups, the Indigenous flora and fauna, marine creatures, birds and must be ‘avoided’; that is the effects should not occur.

REVISION: PULLING TOGETHER IN THE SAME DIRECTION

I consider that to take into account:

- the Maori values of rangatiratanga, and mana;
- a Maori cosmological view of nature as an ancestor and accorded a legal personality in New Zealand law, with human guardians to protect the interests of the ancestor; and
- renting space for storage from Channel Infrastructure, Te Koutu, Te Poupouwhenua

are the most appropriate ways to overcome the ‘modern paradox’ and to achieve the general purpose of the RMA, Section 4 of the Conservation Act, and other higher order objectives of the Councils.

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