

Q1. **Full name of Submitter:** Andy Oakley

Q2. **Contact person (name and designation, if applicable):** not answered

Q3. **Postal address (or alternative method of service under section 352 of the RMA):**

[REDACTED]

Q4. **Telephone:** 021 890 388

Q5. **Electronic address for service of submitter (i.e. email):** ajoago@gmail.com

Q6. **I would like my address for service to be:** my email

Q7. **I have selected email as my address for service, and I would also like my postal address withheld from being publicly available** Yes

Q8. **The specific provisions of the proposed plan change that my submission relates to are: [give details]**

Plan Change 2 proposes to provide tangata whenua to develop papakainga housing developments.

Q9. **My submission is: [include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]**

I oppose the specific provision above for the following reasons. 1) On the KCDC website it states that the role of KCDC is to lead and represent our community and enable democratic local decision making. This is an inclusive statement where leadership and representation are directed at "our community". The word 'community' means a group of people all living in the same place, and in this instance, the community is the people of Kapiti, all of them. However, the Papakainga Chapter in the proposed Plan Change 2 is directed solely at "tangata whenua", which is an exclusive group. Who are tangata whenua? KCDC state on their website that tangata whenua or 'the people of the land', in the Kapiti District are Te Āti Awa ki Whakarongotai, from Taranaki, Ngāti Raukawa ki te Tonga, from Waikato and northern Taupo and Ngāti Toa Rangatira from Kawhia, including their whanau and hapū. This is an exclusive group which one can only become a member by an accident of birth. In other words, they are just a few families and their relations. For KCDC to separate out a few family members from the rest of the community and to seek to use rate payer's money to assist in providing housing just for them goes against the published stated role of KCDC. I do not agree that the Council can use my rates to financially favour people based on nothing more than an accident of birth, their family name. I believe that when a Council decides to favour people based on their family connections it is both ethically and morally wrong. Does KCDC agree that the recipients of the proposed Council funding for papakainga housing in the Kapiti community will not be based on need's but solely on who the people are related to? 2) It states in the proposal, "It is recognised that tangata whenua face barriers to developing their land in a way that fits into the principle Tino Rangatiratanga, and that this is different to land held in European title", and also "The costs associated with obtaining approval for papakainga development from Council and other organisations are an issue for tangata whenua" Unlike other New Zealanders, tangata whenua have a Treaty claims process specifically designed for Māori to make claims if they believe that any government policy discriminates against them. There is no need then for KCDC to duplicate this process and so it would be an unnecessary burden on Kapiti rate payers. It is well-established that there is a housing crisis that affects all of the people in the Kapiti region to some extent. If KCDC are proposing to use rate payer money to alleviate

this crisis then housing or assistance to provide housing should be provided to people on a need-only basis, not on a who the person is related to basis. Please provide to the Kapiti community an ethical reason why proposed funding should be issued only to certain privileged families, and why the KCDC proposes to discriminate against all other families in Kapiti?

3) 'Papakainga' means the ancestral or original home of a Māori kinship group. Thus, the KCDC 'Plan Change 2' infers that only Māori people will qualify for the proposed use of rate payers' money. That being the case, as ratepayers, we must ask KCDC, what is a Māori person in legal terms? This is very important because we must know who in the community is ruled out of the KCDC ratepayer funding model. Once it is clear who is ruled out there may be unwelcome litigation brought against KCDC on the grounds of discrimination, and I do not want my rates going to fund such a case. For instance, a person who lives in Kapiti and defines as Māori but who is not a member of the local families may bring a ToW claim against KCDC because they were unfairly discriminated against by this proposal. How does the government define Māori? In 'Clause 2. Interpretations, of the Treaty of Waitangi Act 1975 states that "Māori means a person of the Māori 'race' of New Zealand; and includes any descendant of such a person." In 'Clause 4. Interpretations of Te Ture Whenua Māori Act 1993 states the same thing, "Māori means a person of the Māori 'race' of New Zealand; and includes any descendant of such a person." As there are no other definitions it is clear that papakainga housing is housing based on one's race and nothing else. The Government, through the ToW Act 1975 and Te Ture Whenua Maori Act 1993, are stating that a Māori is a Māori, which is a ludicrous and meaningless statement that could easily be challenged in any litigation brought against KCDC. The fact is there is no such thing as race. In a landmark paper based on the Human Genome Project, scientists showed that there are no "races" but a single human race—not in sociological terms, but according to biology. <https://scienceandsociety.duke.edu/does-race-exist/#:~:text=In%20a%20landmark%20paper%20based,between%20two%20different%20population%20subgroups>. This Human Genome Projects' findings that the concept of race is not a scientific one is echoed in the American Anthropological Associations May 17, 1998 "Statement on Race", there simply is no such thing as race in science. From the paper, "With the vast expansion of scientific knowledge in this century (last century), however, it has become clear that human populations are not unambiguous, clearly demarcated, biologically distinct groups." <https://www.americananthro.org/ConnectWithAAA/Content.aspx?ItemNumber=2583#:~:text=%22Race%22%20thus%20evolved%20as%20a,homogenized%20into%20%22racial%22%20categories>. Therefore, in both legal and scientific terms, there is no clear description of what a Māori is, they are not a separate race, and one cannot describe what something is by merely referring to itself. How does the KCDC propose to test who is a Māori person and who isn't? 5) If KCDC has a legal or scientific method for doing this test, who has the designated authority to carry out this test, and what is their training to do so? 6) If KCDC is to give people who define as Māori, or who the Council defines as Māori, different or more rights and privileges than other Kapiti residents this is a breach of Article Three of the Treaty of Waitangi. I refer to Dame Anne Salmond, Distinguished Professor of anthropology and 2013 New Zealander of the Year's historical-semantic translation of Article Three of the Treaty of Waitangi in English from the Wai 1040 Report used by the Waitangi Tribunal. "In recognition of this agreement to the Governorship of the Queen – the Queen will carefore [tiaki] all the maori people [nga tangata maori (ordinary people as opposed to Rangatiri) pl.katoa] of New Zealand and give [tukua] to them all and exactly the same customary rights [tikanga rite tahi.] as those she gives to her subjects, the people of England." It clearly states in Article Three of the Treaty of Waitangi that the Queen will give all of the people of New Zealand the same rights. In their proposal for Plan Change 2, KCDC are breaching this right by offering rights and privileges to an exclusive group of people that they have somehow separated from the rest of the Kapiti community. "From the beginning to the end Te Tiriti o Waitangi is a non-racial agreement" writes Dame Anne Salmond in her June 07, 2022, article. <https://www.newsroom.co.nz/ideasroom/anne-salmond-time-to-unteach-race>". The Council has no valid grounds in its Plan Change 2 to simply refer to a group of people as 'tangata whenua', separate them from the rest of the community, and then offer them rights and privileges in a funding model for housing that in the same breath excludes all other Kapiti residents who may be in more need. Does KCDC believe that they can ignore Article Three of the ToW and not have a Treaty claim brought against them? 7) Considering many proposals and decisions made by KCDC are already heavily influenced by representations made by people who define as tangata whenua, or who KCDC define as tangata whenua, who would be the proposed recipients of the KCDC funding in this Plan Change 2, how does KCDC guarantee to the people of Kapiti that there has been no corruption involved in this decision?

Q10. I seek the following decision from the Kāpiti Coast District Council: [give precise details]

I seek that the Council remove the words 'tangata whenua' from their Plan Change 2 and replace them with "the people of Kapiti". I propose that the Council also remove the words "papakainga housing developments" and replace them with "community housing developments". Thus, the wording for Plan Change 2 will become, "Plan Change 2 proposes to provide for the people of Kapiti to develop community housing developments."

Q11. Hearing Submissions [select appropriate box]

I do not wish to be heard in support of my submission.

Q12. Hearing Submissions [select appropriate box]

not answered

Q13. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could not gain an advantage in trade competition through this submission.

Q14. If you could gain an advantage in trade competition through this submission, please complete the following:

not answered
