

Form 5 Submission on notified proposal for policy statement or plan,  
change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Whakatāne District Council

Name of submitter: Eula Toko  
[full name]

This is a submission on the following change proposed to the plan:  
Whakatāne District Plan, Plan Change 2 - 23 and 45 Keepa Road

**Trade Competition**

I could/could not\* gain an advantage in trade competition through this submission.  
[\*Select one]

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

I am/am not\* directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

[\*Select one]

The specific provisions of the proposal that my submission relates to are [give details]:

The buying and selling of contaminated  
site, specifically the land parcels of land at  
23 and 45 Keepa Road, Whakatāne, and  
also Plan change 2 proposal.

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

I have 2 proposals for consideration -

In my submission I support the Residential zoning  
of "Plan Change 2" for 23 and 45 Keepa Road,  
on conditions the Developer Lysight returns the  
10meter strip back to the Ngarāwera Whānau  
that was taken by devious means.

My second proposal is that the Developer  
Lysight be made to do tests on those 2  
parcels of land being 23 and 45 Keep a  
Road, because these 2 parcels of land have  
been identified by SWAPP to have contaminated  
sediment/woodwaste here. (see map attached with  
hot spots and 10meter strips).

I seek the following decision from the local authority: [give precise details]

I seek 2 decisions from local authority =  
\* The 10meter land strip be given back to the  
Wharewera Whanau that was taken by  
erronious means. This is going by the Historical  
records of Maori Land Courts, Ministry of Works,  
County Council and court records and lawyers  
of Whakatane, surveyors of the day.

\* My second decision is they the Developers are made  
to test their parcels of land for any contamination

#### Hearing submissions

I wish/~~do not wish~~\* to be heard in support of my submission. [\*Select one]

If others make a similar submission, I will/~~will not~~\* consider presenting a joint case with them  
at a hearing. [\*Select one]

- Ngati Hokoapu Ki Wairaka, HokoWhitu  
- Cultural Monitor for T.R.O.N.I.A. SWAPP

  
Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 12<sup>th</sup> March 2018

#### Contact Details

Electronic address for service of submitter: eulataka@gmail.com

Telephone: 0223502549

Postal address: 12 Nepiha street, Whakatane

Contact person: \_\_\_\_\_

[name and designation, if applicable]

#### Note to person making submission

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.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

4



Residential Area 1750m<sup>2</sup>  
 Industrial Area 5910 ha  
 Total Area 70700 ha

**LOTS 1, 2 & 3 BEING PROPOSED SUBDIVISION OF  
 ALLOT. 2883<sup>c</sup>2<sup>c</sup>, PARISH OF RANGITAIKI.**

Comprised in C.T. 157310  
 SURVEY DISTRICT & BLOCK BLK. I. WHAKATANE S.D.  
 LAND DISTRICT SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY  
 SCALE 1:1500 JOHN R. RAINFORD JULY 1975  
 John Richard Rainford  
 plan preparer  
 amendment

APPROVED
OWNED
Approved by the County Council on the 15th day of July 1975 subject to the provisions of the Act
J.R.

IN THE MATTER of the Native Land Act 1909 and its amendments  
AND  
IN THE MATTER of the Rangitaiki Lot 28B No. 3 Block.

APPL  
In the Native Land Court of New Zealand, Waiariki District.

AT a sitting of the Court held at Whakatane on the 25th day of March 1919 before Hugh Fraser Ayson, Esquire, Judge.

WHEREAS the Court upon partitioning the land called Rangitaiki Lot 28B No. 3 deemed it necessary and expedient for the use of the several subdivisions of the said land and for giving access thereto that the roadline hereinafter described should be laid out over the said land NOW THEREFORE in pursuance of Section 48 of the Native Land Amendment Act 1913 and of any other power it enabling the COURT DOETH HEREBY ORDER that there shall be laid off and set apart as a Roadline the area shown in the Schedule hereto as the same is more particularly delineated on M.L. Plan 11820 held in the Office of the Chief Surveyor in Hamilton and it is further ordered that until the said Roadline shall be proclaimed as a Public Road the said Roadline shall be designated "Rangitaiki Lot 28B No. 3 Roadline".

duplicate sent to the District Registrar for registration

SCHEDULE

29 / 4 / 1919

That area in the South Auckland Land District in Block 1 of the same Survey District, containing by admeasurement three acres and thirty-nine perches (2 ac: 0 r: 39 p.) more or less and being the land hereby laid out as a Roadline over Rangitaiki Lot 28B No. 3 Block.

IN WITNESS the hand of the Judge and the seal of the Court.



JUDGE

M.L.C. 315

But the survey and subsequent partitions separate area - is a part of 2083

WAIKIKI

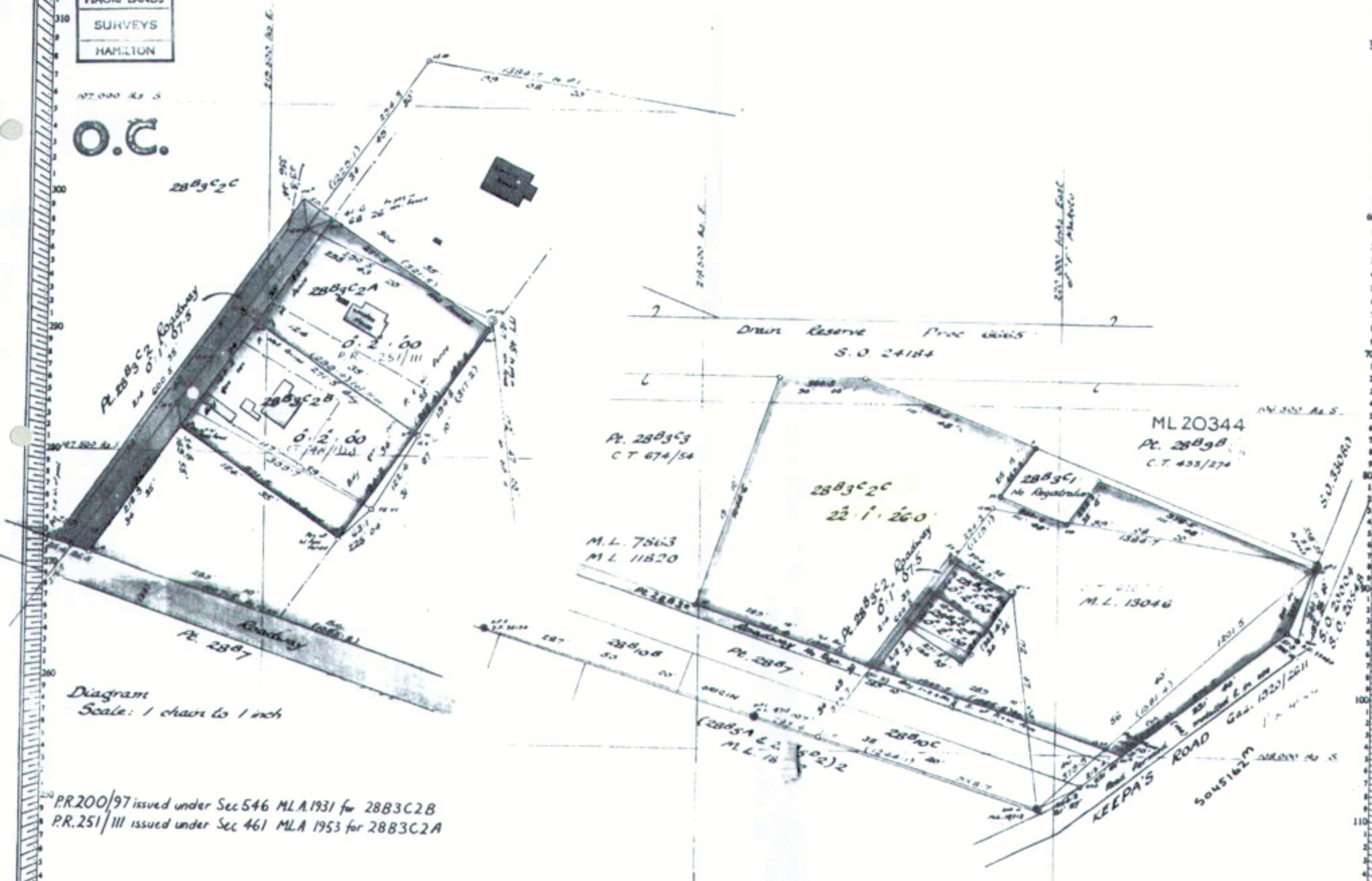
M.L.C. DISTRICT

MAORI LANDS  
SURVEYS  
HAMILTON

47,000 A.S.

O.C.

2883C2C



Drain Reserve Proc 6665  
S.O. 24184

Pt. 2883C3  
C.T. 674/54

M.L. 7863  
M.L. 11820

ML 20344  
Pt. 2883B  
C.T. 433/274

2883C2C  
22.1.260

M.L. 13046

Diagram  
Scale: 1 chain to 1 inch

PR.200/97 issued under Sec 546 M.L.A.1931 for 2883C2B  
PR.251/111 issued under Sec 461 M.L.A. 1953 for 2883C2A

Total Area: 23.2.33.5

PARENT PLAN M.L.13046  
DESCRIPTION C. UNDAIRIES 12139 -  
MINUTE BOOK REFERENCE Whaka 29/777  
DATE OF ORDERS 17/5/50

PLAN OF LOTS 2883C2A, 2883C2B, 2883C2C & PL 2883C2 Roadway,  
PARISH OF RANGITAIKI.

ENDORSED ON COURT ORDER FORMS  
P. H. DFTSMAN  
M.L. DFTSMAN.

RECEIVED  
File 20/173 Vol VII  
Instructions 2/158  
Reference Plans M.L. 7863, M.L. 11820, M.L. 13046, M.L. 13047, M.L. 13048, M.L. 13049, M.L. 13050  
Field book 59/4 p. 54-85  
Traverse book M. 68 p. 123-124  
Examined by J. H. Dftsman 25/11/64  
Recorded  
Plan is order for approval

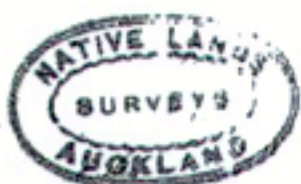
Survey Block & District BLK. 1 WHAKATANE S.D.  
Land District SOUTH AUCKLAND Local Body WHAKATANE COUNTY COUNCIL  
Scale 3 chains to an inch Surveyed by HARISON & GIBSON & P. O'NEILL September 1964

I, BARRY LINDSAY of Whakatane Registered Surveyor and holder of an annual practicing certificate, hereby certify that this plan has been made from surveys executed by me, that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act, 1938.  
Dated at Whakatane this 23rd day of September 1964.

Approved  
P. H. Dftsman  
Chief Surveyor 25/11/64  
The space reserved for plan numbers  
**19316**

DEPARTMENT OF LANDS AND SURVEY, NEW ZEALAND.

Lands-227.



AUCKLAND LAND DISTRICT

20  
173/

O.C.

WHAKATANE

COUNTY.

13. 3. 01  
5. 0. 26  
4. 3. 32  
23 3 19

WHAKATANE

S.D.

11820

N° 3°

N° 3°

L.T. 3092

N° 8° N° 4

7863

M.L. 20344

8 0 24

N° 3° N° 3

23:3:19  
Cert

N° 3° N° 2

N° 7

19316

Public 20548

ENDORSED ORDER FOR

27. 4. 22  
P.N. L. DEFTSMAN.

Total Area: 56:3:30

Survey carried out in accordance with the Orders of the Court

H. M. Hunt  
Chief Surveyor  
5. 1. 1922

Date of Order 27. 4. 22  
Designs. 6722  
Partn Plan 11820 & sketch on 79

Approved, as from 27. 11. 22.

*Thomson & Farrer*  
m.l.c.

*H. M. Hunt*  
Chief Surveyor  
6. 3. 22

1/2107  
Instructions No. 20/172 Date: 20/5/22  
Field-book No. 3352 Page: 17  
Traverse Reduction-book: N. 14 Page: 181  
Map received: 27. 11. 22 Examined: S. S. K. S.  
Registered: 27. 11. 22

Plan of LOT 28<sup>B</sup> N° 3<sup>C</sup> N° 6<sup>S</sup> 1-4 RANGITAIKI PSH.

Surveyed for The Native Owners

By Thomson & Farrer

Licensed Surveyors

Date: September 1922

CERTIFICATE.

SCALE: 5 chains to an inch.

13046

I HEREBY CERTIFY that this plan has been made from surveys executed by me (or under my personal supervision, inspection, and field check); that both plan and survey are correct; and that all the rules and regulations with respect to the survey of Crown or Native lands have been strictly complied with.

Dated at Whakatane this twenty second day of November, 1922

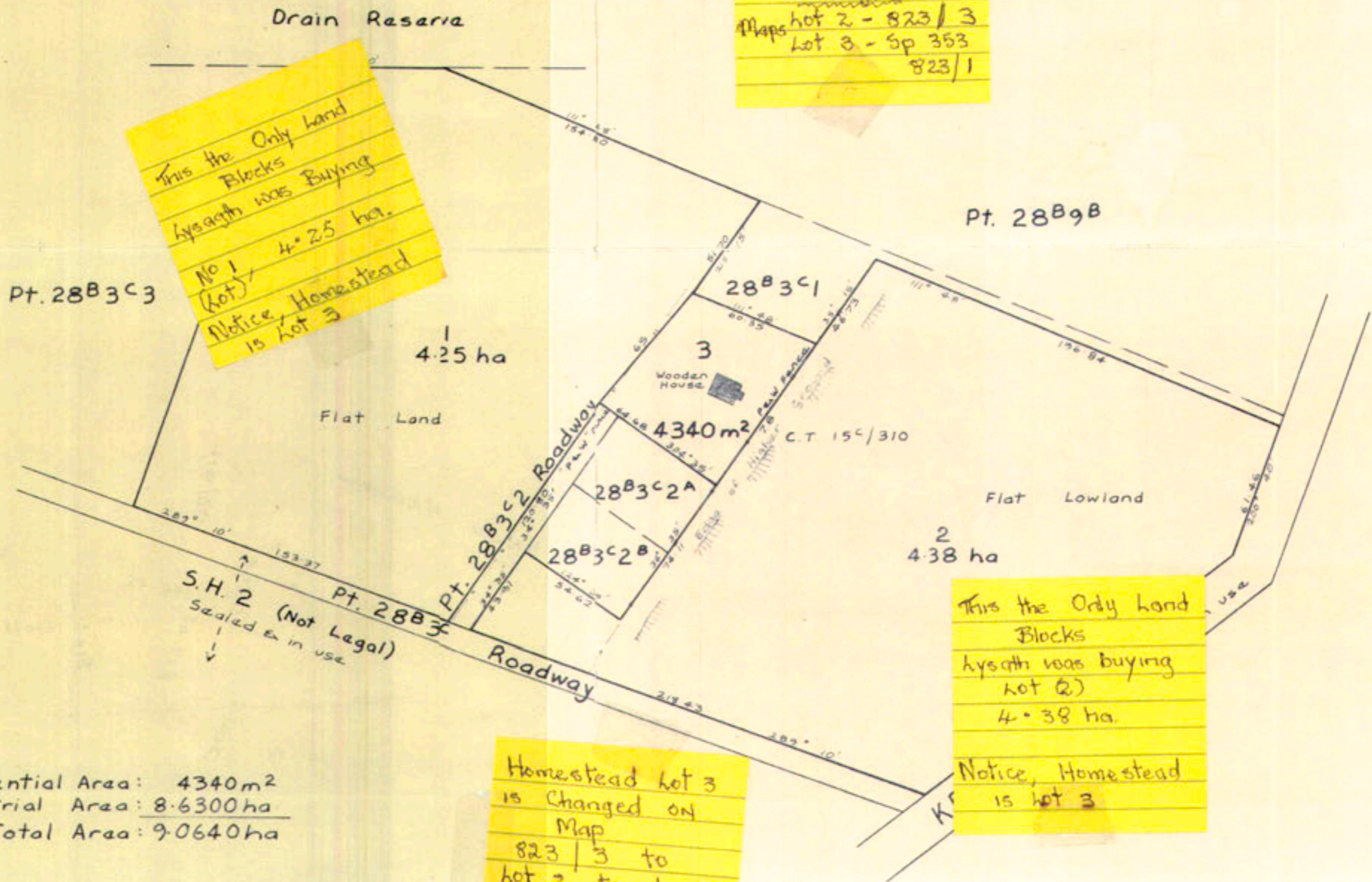
*Thomson*  
Licensed Surveyor.

5. 1. 22



Homestead Block  
is added onto  
hand Blocks he  
has taken, to do  
Changes.  
Maps lot 2 - 823/3  
lot 3 - Sp 353  
823/1

This the Only land  
Blocks  
Ayscath was Buying  
No 1 4.25 ha.  
Notice, Homestead  
is lot 3



This the Only land  
Blocks  
Ayscath was buying  
lot (2)  
4.38 ha.  
Notice, Homestead  
is lot 3

Homestead lot 3  
is changed on  
Map  
823/3 to  
lot 2, to do  
changes, taking  
of hand.  
10 Metre Strip  
Marae lands.

Residential Area: 4340m<sup>2</sup>  
Industrial Area: 8.6300ha  
Total Area: 9.0640ha

Note: 10 acres = 4.0468 ha  
1 chain = 20.12 metres

**LOTS 1,2&3 BEING PROPOSED SUBDIVISION OF  
ALLOT. 28<sup>B</sup>3<sup>C</sup>2<sup>C</sup>, PARISH OF RANGITAIKI.**

Town of ..... Extn. No. ....  
Comprised in C.T. 15<sup>C</sup>/310 ..... T.E. PAKITUA WHAREWERA Registered Owner  
SURVEY DISTRICT & BLOCK BLK. 1 WHAKATANE S.D.  
LAND DISTRICT SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY  
SCALE 1:1500 JOHN K. RAINFORD Regd Surveyor Date JULY 1973  
I John Richard Rainford Registered Surveyor hereby certify that this Scheme Plan has  
been prepared by me in accordance with the provisions of Part II of the Counties  
Amendment Act, 1961 and the First Schedule to that Act.

*John K. Rainford*  
REGISTERED SURVEYOR

APPROVED  
  
OWNER  
Approved by the .....  
County Council under Sec 22 of  
the Counties Amendment Act  
1961, at a meeting held on the  
..... day of ..... 19  
subject to the conditions contained  
in Resolution No. ....  
  
COUNTY CLERK

S.P. 353

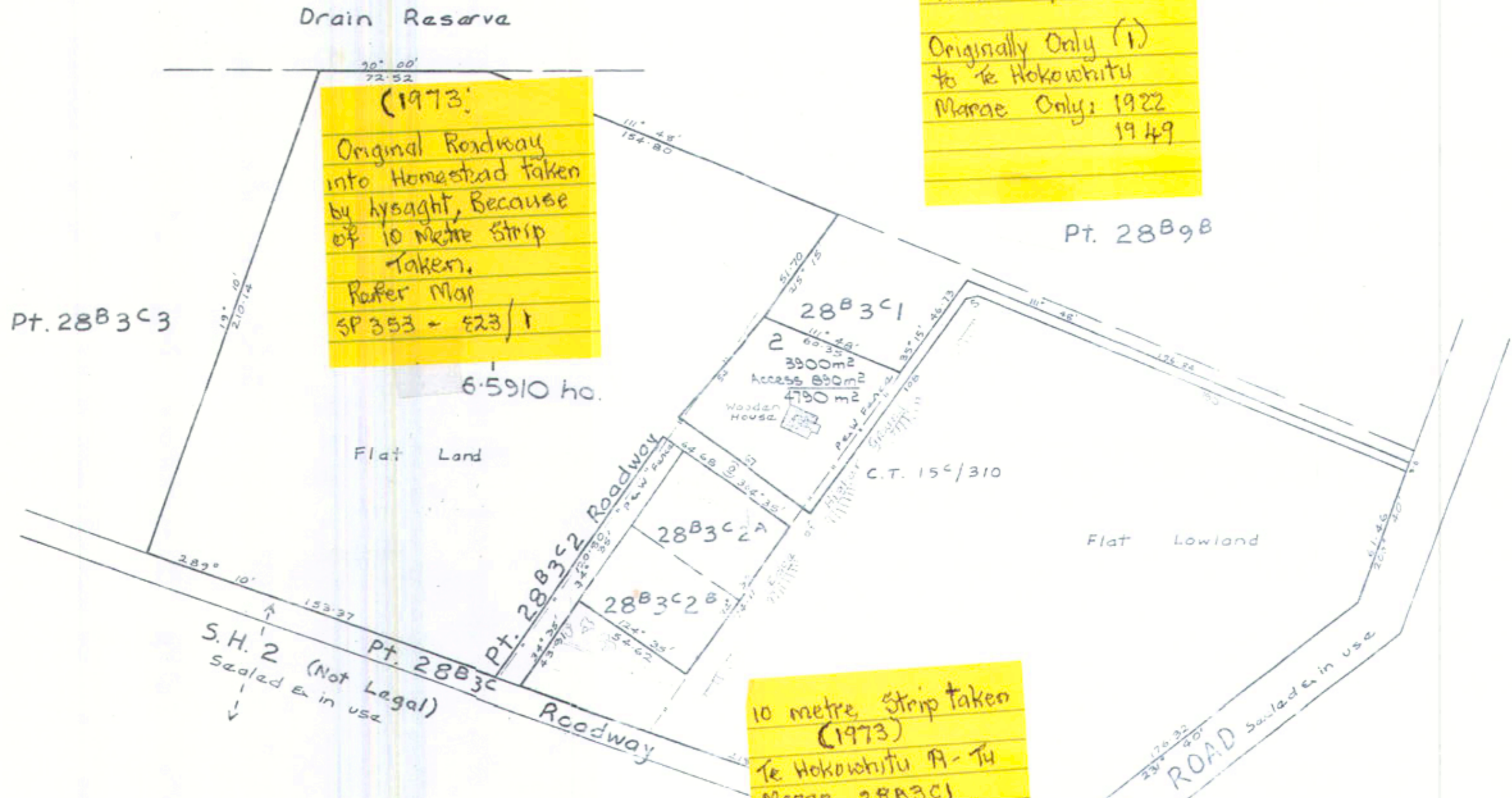


Now (2) Roadways  
from Keepa Road

Originally Only (1)  
to Te Hokowhitu  
Marae Only: 1922  
1949

(1973)  
Original Roadway  
into Homestead taken  
by lysaght, Because  
of 10 metre strip  
Taken.  
Refer Map  
SP 353 - E23/1

10 metre strip taken  
(1973)  
Te Hokowhitu A-Tu  
Marae 28B3C1  
Parish of Rangitahi  
land taken, Illegally  
to create New Roadway  
into Homestead



Residential Area: 4790 m<sup>2</sup>  
Industrial Area: 6.5910 ha.  
Total Area: 9.0700 ha.

Note: 10 acres = 4.0468 ha  
1 chain = 20.12 metres

**LOTS 1,2 & 3 BEING PROPOSED SUBDIVISION OF  
ALLOT. 28<sup>B</sup>3<sup>C</sup>2<sup>C</sup>, PARISH OF RANGITAIKI.**

Town of ..... Extn. No. ....  
Comprised in C.T. 15<sup>C</sup>/310 ..... T.E. PAKITUA WHAREVERA Registered Owner  
SURVEY DISTRICT & BLOCK BLK. I WHAKATANE S.D.  
LAND DISTRICT SOUTH AUCKLAND LOCAL BODY WHAKATANE COUNTY

SCALE 1:1500 JOHN R. RAINEFORD Regd. Surveyor Date JULY 1973  
I, John R. Raineford, Registered Surveyor hereby certify that this Scheme Plan has  
been prepared by me in accordance with the provisions of Part II of the Counties  
Amendment Act, 1961 and the First Schedule to that Act.

*John R. Raineford*  
REGISTERED SURVEYOR

APPROVED

OWNER

Approved by the .....  
County Council under Sec 22 of  
the Counties Amendment Act  
1961, at a meeting held on the ..... day of ..... 19.....  
subject to the conditions contained  
in Resolution No. ....

COUNTY CLERK