

Submission on
Resource Consent Application

Form 13
Under Section 96 of the Resource Management Act 1991.



A copy of your submission must also be given to the resource consent applicant as soon as possible.
All information provided in your submission is available to the public (on request).

1. Person making submission

Name in full: MOETARA, Teina Lee (for Rongowhakaata Iwi Trust)

Surname:

First Name(s)

Address:

78

Whakato Road

Manutuke

No.

Street/Road

Suburb

Gisborne

4053

Town/City

Postcode

Mobile: 02102289149

Other phone: 0272722059

Email: teina.moetara@rongowhakaata.iwi.nz

2. Submission on

Application No: LU-2021-110701-00 - LL-2021-110702-00

Name of applicant: Gisborne District Council

Type of resource consent applied for: Land Use

Brief description of proposed activity: To undertake Titirangi summit Stage 2 works comprising the establishment of the Te Panuku Tu whare

☐ I support the application ☒ I oppose the application ☐ I am neutral to the application (neither support or oppose)

Clearly state which parts of the application you support or oppose or wish to have amended:

Oppose the application in full.

The reasons for making my submission are (briefly describe the reasons for your views, attach further pages if necessary):

Please see documents attached.

Office use only

Received date:



Support



Oppose



W.T.B.H



N.B.H

I wish the Gisborne District Council to make the following decision (give details, including the nature of any conditions sought):

Please see documents attached

Please tick:

☒ I wish to speak at the hearing in support of my submission

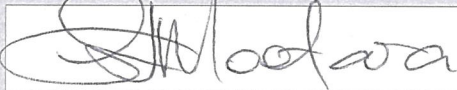
☐ Would you consider presenting a joint case with others who have made a similar submission?

☒ Yes ☐ No

☐ I do not wish to speak at the hearing in support of my submission

3. Signature

Signature of person making submission or person authorised to sign on behalf of submitter



Date: 21/11/2021

Postal address of person making submission (if different from previous page):

Name and phone number (if different from previous page):

Contact person:

Mobile:

Other phone:

Email:

SUBMISSION ON APPLICATION FOR RESOURCE CONSENT FOR TE PANUKU TŪ – TĪTIRANGI SUMMIT DEVELOPMENT

TO: Gisborne District Council

SUBMITTER NAME: Rongowhakaata Iwi Trust

INTRODUCTION AND OVERVIEW

1. This is a submission from Rongowhakaata Iwi Trust (**RIT**) on an application for resource consents by the Gisborne District Council – Liveable Communities (**Applicant**) for Te Panuku Tū – Tītīrangi Summit Development
2. RIT **opposes** the application and seeks that consent be placed on hold or refused for the reasons that follow.

RONGOWHAKAATA, NGĀI TĀWHIRI AND TĪTIRANGI

3. Rongowhakaata is an iwi that has exercised from time to time mana and rangatiratanga over an area from Pouawa in the north east, extending south to Te Kowhai then inland up into the Hangaroa, Te Reinga, Ruakituri area, returning through the Patutahi block, encompassing Puhi-kai-iti, and back to Pouawa. Some of these interests of Rongowhakaata overlap with other Tūranga hapū/iwi interests, given the shared whakapapa of all hapū/iwi of Tūranga to Ruapani. Ruapani is the arikinui of all Tūranganui-a-Kiwa, including Puhi-kai-iti, and through whom all lines of mana descend.
4. Today, Rongowhakaata is made up of three primary hapū: Ngāti Maru, Ngāti Tāwhiri, and Ngāti Kaipoho. The five marae of Rongowhakaata stand at Whakato, Manutuke, Pahou, Ohako, and Te Kuri a Tuatai.
5. Rongowhakaata's status as tangata whenua has been recognised by the Waitangi Tribunal in its Tūranga Tangata Tūranga Whenua report¹ and the Crown through the Rongowhakaata Deed of Settlement and the subsequent Rongowhakaata Treaty Settlement Act 2012 (**Settlement Act**). The Settlement Act specifically acknowledges

¹ Waitangi Tribunal, *Tūranga Tangata Tūranga Whenua: The Report on the Tūranganui a Kiwa Claims*, Wai 814, 2004.

that prior to 1865 “*Rongowhakaata had full control over their land and resources*”. It also includes a specific statutory acknowledgement of Rongowhakaata’s relationship with Tūranganui awa, which lies at the feet of Tītīrangi maunga.

6. Tītīrangi is a wahi tapu of special significance to the Rongowhakaata people especially Ngāi Tāwhiri. RIT acknowledge the special connection of the Rongowhakaata hapū Ngāi Tāwhiri to Titirangi and Puhi-kai-iti more generally:²

“[T]he ancestral connection to the original Puhi-kai-iti block was established through whakapapa to the two great grandchildren of Ruapani – Kahunoke and Te Noinoi-i-kura. The specific division of this land, being the area thereabouts from the Tūranganui river to Otipi (the Sponge Bay Rifle Range road/carpark) and including Waikirikiri, was awarded by the [Native] Land Court in 1886 to 34 tupuna, who affiliated primarily to Te Whānau-a-Iwi (a hapū of Te Aitanga-a-Māhaki) and Ngāi Tāwhiri (a hapū of Rongowhakaata). The ancestors used to successfully claim this specific area of Puhi-kai-iti were Kuriwahanui (Te Whānau-a-Iwi) and Te Mangakaiota/Te Maanga (Ngai Tawhiri). The rest of the original Kaiti Block north of the Sponge Bay Rifle Range through to Pouawa was awarded to Hirini Te Kani and Rutene Te Eke and their list of 70+ people, many of whom affiliated to Ngāti Oneone. It is, therefore, these two great grandchildren of Ruapani (the brother and sister – Kahunoke and Te Noinoi-i-kura) that connects Ngāi Tāwhiri of Rongowhakaata, Te Whānau-a-Iwi of Te Aitanga-a-Māhaki and Ngāti Oneone to Puhi-kai-iti, and to each other.”

7. The traditional pepeha of Te Kuri a Tuatai marae also reflects these connections and reinforces the special relationship that Ngāi Tāwhiri has to the Titirangi maunga:

Ko Titirangi te Maunga
Ko Waikanae te Awa
Ko Te Kuri a Tuatai te Marae
Ko Te Whanau ā Iwi, ko Ngai Tāwhiri ngā hapu
Ko Materoa, Ko Tāwhiri, Ko Rongoteururoa ngā Tīpuna
Ko Kuriwahanui te Tekoteko
Ko Te Whareroa te Wharenui

Role of RIT

8. RIT is an incorporated charitable trust, established to receive, hold, manage and administer the Trust Fund for the benefit of Rongowhakaata and all members of Rongowhakaata. RIT is the mandated iwi authority for Rongowhakaata iwi and has

² Maynard, K. June 2021. ‘Rongowhakaata and Kaiti – Puhi-kai-iti’, in Te Pipwharaura.

been recognised as such for the purposes of the Resource Management Act 1991 (**RMA**).

9. RIT also acknowledges the importance of hapū participation in decision-making and actively works to build capacity and facilitate engagement between hapū and whānau and local authority resource management decision makers.
10. RIT is making this submission on behalf of Rongowhakaata iwi.
11. RIT is not a trade competitor for the purposes of s.308B of the RMA.

CONCERNS WITH PROPOSAL

12. RIT's submission relates to the entire application.
13. RIT has a number of concerns with the application. These include both procedural and substantive matters.

Consultation and engagement

14. The Application has been developed without any input from RIT. A single presentation to a Toitū Tairāwhiti (mutli-iwi chairs) hui attended by one representative of Rongowhakaata³ does not constitute consultation or proper engagement.
15. While RIT acknowledges that in general under the RMA an applicant for a resource consent is not required to consult, GDC is not just any applicant. As a local authority, GDC has specific obligations to Rongowhakaata and Ngāi Tāwhiri as a Treaty partner at the local level. These obligations include those arising under the RMA to recognise and provide for Rongowhakaata and Ngāi Tāwhiri's relationship with Tītīranga maunga, have particular regard to our kaitiakitanga values and practices and take into account the principles of Te Tiriti. GDC also has obligations to Rongowhakaata and Ngāi Tāwhiri under the Local Government Act 2004 (**LGA**) to foster greater participation in decision-making processes.
16. It is difficult to see how GDC can be said to have met its statutory obligations when it has failed to engage with RIT – Rongowhakaata's mandated iwi authority – in any substantive way. While GDC may have met its obligations to Ngāti Te Oneone by partnering with it for the project, the RMA requires engagement with all those iwi and hapū with interests in and relationships to the maunga. The project as it currently stands

³ Referred to at p.22 of the Assessment of Environmental Effects (**AEE**) – being the only reference to Rongowhakaata throughout the entire AEE.

does not recognise and provide for Rongowhakaata and Ngāi Tāwhiri's relationship with the maunga, its kaitiakitanga responsibilities, and seriously impacts the enduring relationship of our people with this taonga. Accordingly, the project should not proceed in its current form.

Environmental effects

17. The potential effects of the proposal, as outlined in the application, trigger a suite of considerations and concerns across a range of areas.⁴ These range from heritage/archaeological, amenity/character and cultural effects through to matters such as traffic/access, construction, contamination and earthworks.
18. Such matters are normally addressed in a holistic way through a cultural impacts assessment so that the nature and extent of the effects of the project – and the interconnection between these different aspects and effects - can be fully understood and any adverse effects avoided, remedied or mitigated. GDC has not sought such an assessment from RIT, and nor has it involved RIT in the planning and foundational decision making around the application, such that RIT's views could have become known through active participation in the project design and implementation. Without an understanding of Rongowhakaata and Ngāi Tāwhiri's relationship to the maunga and the nature and extent of effects on cultural values, GDC is not able to recognise and provide for those matters, properly assess the level and extent of the Application's effects, or put forward appropriate measures to avoid, remedy or mitigate those effects.
19. The project's failure to recognise and provide for all relevant iwi and hapū relationships with Tītīrangi maunga means that the project will have significant adverse effects which have not been addressed. The project is not consistent with the relevant RMA planning documents - in particular the New Zealand Coastal Policy Statement and the Tairāwhiti Resource Management Plan, which require consideration of all relevant tangata whenua interests not just one group. As a non-complying activity, the Application would not pass either of the gateway tests and would therefore fail at the first hurdle.
20. We note that despite previous RIT submissions and requests by RIT, there has been a consistent level of intransigence on behalf of GDC to engage in planning and decision making around management of Tītīrangi maunga and neighbouring areas including the

⁴ Refer s.7 of the AEE.

Puhi-kai-iti lands. These earlier submissions have included a request for improved cultural expertise from GDC as regards Tītīrangi maunga and surrounds, in order to:⁵

- (a) recognise and provide for the varied role of the multiple kaitiaki related to these areas;
- (b) best reflect correct Whakapapa links;
- (c) provide a forum for Rongowhakaata/Ngāi Tāwhiri participation in planning;
- (d) ensure that GDC is an empowered organisation that values Te Ao Māori;
- (e) understand Rongowhakaata cultural values and views when researching and planning for recreational and culturally sensitive works.

21. GDC's current approach, as well as being inconsistent with its legal obligations, is also laying the groundwork for potentially dysfunctional outcomes and ongoing grievances.

RELIEF SOUGHT AND HEARING MATTERS

Relief sought

22. RIT seeks the following decision from GDC:

- (a) that the application is placed on hold until all of the following steps have been undertaken:
 - (i) GDC and RIT have met to discuss RIT's concerns;
 - (ii) GDC has facilitated hui of all relevant Tūranga iwi and hapū to explore ways of collaboratively identifying development and management options for Tītīrangi maunga that meet iwi and hapū collective needs and aspirations;
 - (iii) the Application is amended to address the collective needs and aspirations of all relevant Tūranga iwi and hapū and the specific concerns raised in this submission; and

- (iv) conditions of consent are included which appropriately recognise and provide for all relevant Tūranga iwi and hapū – including Rongowhakaata and Ngāi Tāwhiri.

OR

- (b) if the above steps are not taken the Application is refused.

Hearing

23. RIT wishes to be heard in support of its submission.
24. If others make a similar submission, RIT will consider presenting a joint case with them at the hearing.
25. RIT requests pursuant to s.100A of the RMA, that GDC delegate its functions, powers and duties to hear and decide the application to one or more hearings commissioners who are not members of the local authority. Given the nature of the issues raised, RIT also requests that at least one commissioner be appointed who has a comprehensive understanding of tikanga Māori.
26. RIT is happy to participate in any pre-hearing hui or mediation to discuss the matters outlined in this submission.

Signed for and on behalf of RIT on 22 November 2021 by:



Teina Moetara

General Manager

Rongowhakaata Iwi Trust

78 Whakato Road, Manutuke

Gisborne

02102289149 | 06 862 8853

teina.moetara@rongowhakaata.iwi.nz