

11 December 2024

TE ARA TIPUNA TRAIL - NOTIFICATION REPORT

From: Todd Whittaker (Consultant Planner)

**To: Awhina White (Gisborne District Council)
Peter Edwards (Opotiki District Council)
Ella Tennent (Bay of Plenty Regional Council)**

Application Refs:

GDC: DL-2023-112074-00, LR-2023-112076-00, LL-2023-112077-00, LV-2023-112078-00

BOPRC: RM23-0508-AP

ODC: RC2024-04

SUMMARY

1. Te Ara Tipuna Charitable Trust (the Applicant) has lodged an application for multiple resource consents to enable the design, construction and pedestrian use of the Te Ara Tipuna Trail. The trail is approximately 500km long and runs from Gisborne around the coast to Ōpōtiki.
2. As such, an assessment of effects to determine whether an application will need to be publicly notified or limited notified is not required.
3. This report records the decision to proceed with public notification and includes the schedules of parties to be served.

RECOMMENDATION

That each consent authority Publicly notifies the application in accordance with Section 95A(3) of the Resource Management Act 1991 including;

1. **Provision for the public notification steps and service to the parties set out Section 3.0 of this report, and**
2. **The submission period is extended from 20 working days to 25 working days.**



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1.0 APPLICATION

4. The Trail is proposed to be located across private and multiple owner land blocks, along road corridors, reserves and the coastal margin. The Trail is proposed to support regional and community development by providing a recreational and visitor experience with connection to the local whenua and people.
5. The application is supported by an interactive GIS map to show the location of the proposed trail and a series of technical reports and assessments that describe the design and nature of the Trail and the actual and potential effects on the environment.
6. The application has been lodged with Gisborne District Council, Ōpōtiki District Council and the Bay of Plenty Regional Council and will be processed through a joint submissions and hearings process.
7. It is noted that the original application was lodged in October 2023 with a multi-purpose trail for pedestrian, cycle and horse trekking users proposed at that stage.
8. The Applicant lodged a replacement application on 15 November 2024. The replacement application provides for a pedestrian only trail and includes a revised trail alignment, reassessment of the activity status and consent rules for the trail, and a revision of some of the engineering and track type concept design details.
9. The key application details as presented in the November 2024 application, and which have been adopted for the purpose of this notification report are as follows:

Applicant :	Te Ara Tipuna Charitable Trust
Site Address :	Multiple parcels. Refer Schedule 1 . This is a list of application site parcels which has been prepared by the Council GIS team based on the data and GIS Trail information supplied by the Applicant.
Legal Description :	
Type of Consent :	District and Regional Land use Consent s9(2) and s9(3), Use of Beds of River s13(2), Discharge consent s15(2A), Works in the Coastal Marine Area s12(1).
Consent Sought :	Construct, operate and maintain a pedestrian track, to be known as Te Ara Tipuna – Stage 1, from Gisborne to Ōpōtiki.
Zoning :	Various zone and overlay provisions apply. Refer GIS Interactive Map and AEE.
Overall Activity Status :	Tairāwhiti Resource Management Plan: Discretionary Bay of Plenty Regional Natural Resources Plan: Discretionary Ōpōtiki District Plan: Discretionary

Additional Consents Required:	RMA	If at the detailed design phase there are additional consents that are triggered, those consents will be applied for at that point in time.
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2.0 SECTION 95A-G ASSESSMENT FOR THE PURPOSE OF NOTIFICATION

10. Section 95A(1) of the RMA states that the consent authority must follow the steps set out in that section, in the order given, to determine whether to publicly notify an application for resource consent.
11. Those steps are set out below, in the order provided in the RMA.

Step 1: Mandatory public notification in certain circumstances – s.95A (2-3)

12. In this case the Applicant has requested public notification (refer Section 6.1 of Application dated November 2024).
13. On this basis, there is no further statutory assessment required in terms of the other tests for determining whether public notification or limited notified is required.

3.0 NOTIFICATION PROCESS AND SERVICE

14. The nature of the application is unique in that the application site effectively runs across private property and public land for a length of over 500km. It is also recognised that many sections of trail are proposed across remote rural areas and communities.
15. From the application material, it is evident that the Applicant has engaged with affected landowners and communities and that this community consultation process is ongoing.
16. Notwithstanding the consultation process adopted by the Applicant, it is considered that a bespoke notification process is necessary to also ensure that there is an appropriate notification and service process such that all interested landowners, hapu, community groups and other stakeholders have the opportunity to engage with the formal notification and submissions process.
17. It is therefore recommended that the following public notification steps and service process is undertaken;

(a) Public Notice Steps

- Public notice in the Whakatane, Opotiki and Gisborne newspapers,
- Issue of Public Posters to be placed along SH 35 with a QR Code,
- A separate webpage and hub on the GDC website,
- Other methods - Radio Station, social media

(b) Owners and affected land owners

- A GIS layer has been prepared by the Trust to show the trail which has allowed the consent authorities to create a database of owners whose land the trail is located on.
- In addition, it is considered that the formation and use of a public walkway in remote rural locations may give rise to concerns over loss of privacy, theft and vandalism and interference or restrictions on rural production/farming activities. As such a corridor of 2x 50m has been applied to sites located with a Rural Zone and 2x20m for all other sections of the trails to identified adjacent landowners who may potentially be affected.
- A schedule of the above owners is provided in **Schedule 2**.

(c) MACA Parties

- The Application lodged in November 2024 identifies parts of the trail alignment that are located within the coastal marine area.
- Service of the application will therefore be made to the MACA applicant groups identified in the Application and to other MNACA parties identified by the consent authorities – refer **Schedule 3**.

(d) Statutory and regulatory parties

- The Application will be served on
 - New Zealand Transport Agency
 - Forest and Bird
 - Minister of Conservation
 - Fish and Game Council
 - Heritage NZ
 - Ministry for the Environment
 - Māori land Court

(e) Iwi/Hapu/Statutory Acknowledgements/Area of Interest

- In addition to the MACA parties identified above, it is recognised that the trail alignment will traverse though the rohe of iwi and hapu.
- The identified iwi and hapu are listed in **Schedule 4**.

(f) Other Stakeholders/Community Groups/Standard Notification Referrals

- The Application will be served on
 - Tairāwhiti Environment Centre
 - Fisheries Analyst (Alan Moore)
 - WSP (Planning Manager)

- Toi Te Ora Public Health
- Jenna McFarlane (Planner : Organisation?)
- Maritime Safety Inspector
- Ministry of Education
- Kainga Ora
- Dairy Industry Technical Advisory Group

4.0 SUBMISSION PERIOD – S.37 EXTENSION

18. As part of the pre-application process, discussions were held with the Applicant on the option of extending the submission period from 20 working days to 40 working days. This was in recognition that some communities around East Cape are isolated and may not be able to engage with the submissions process within the ordinary 20-day submissions period. In addition, the nature of communications services and internet connection is such that there may be delays in potentially affected landowners receiving notice. Both the Applicant and the three councils agreed that a longer submission period would assist with ensuring that all interested parties had sufficient time to fully engage with the process. The original October 2023 application was lodged with the Applicant seeking a 40-day submission period.
19. The replacement application lodged in November 2024 advises that the Applicant now seeks a 20-day submission period. The Applicant refers to the on-going consultation work being undertaken by their project team and the risk of consultation fatigue, and that any delays in the application process may risk future funding opportunities, as the reasons for seeking a 20-day submission period.

Statutory Considerations – Resource Management Act 1991 (the Act)

20. Section 37(1)(a) allows a consent authority to extend a time period specified in the Act, whether or not that time period has expired. Section 37A(3) sets out that subsections (4) and (5) apply to an extension of a time limit imposed on a consent authority in respect of an application for a resource consent (see s37A(3)(a)).
21. Specific to this request, section 37A(4) sets out that a consent authority may extend a time period under section 37 of the Act only if the period as extended does not exceed twice the maximum time period specified in the Act (see s37A(4)(a)), and either special circumstances apply, or the applicant agrees to the extension. The consent authority must take into account the matters specified under section 37A(1).
22. The three councils remain of the view that a longer submission period is both appropriate and necessary in this case. Given the Applicant's position, it is considered that a submission period of 25 working days is appropriate to recognise the nature of the application process and remote nature of the communities and landowners involved while also taking into account the Applicant's position that the standard 20-day submission period should apply.

DECISION

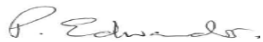
- (1) That the application for the Te Ara Tipuna trail be publicly notified in accordance with the public notification steps and service as set out in the notification report.
- (2) That the submission period be extended to 25 working days.

Delegated Authorisation by:



Awhina White

Consents Manager – Gisborne District Council
Date: 12 December 2024



Peter Edwards

Team Leader Planning and Building – Ōpōtiki District Council
Date: 12 December 2024



Ella Tennent

Consents Manager – Bay of Plenty Regional District Council
Date: 11 December 2024

**TE ARA TIPUNA
NOTIFICATION REPORT**

SCHEDULE 1

Application Site and Parcel Details

(refer to separate schedule)

**TE ARA TIPUNA
NOTIFICATION REPORT**

SCHEDULE 2

Landowners and Affected Parties for Service

(refer to separate schedule)

**TE ARA TIPUNA
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SCHEDULE 3

MACA Parties for Service

Gisborne District

Relevant Iwi:

- Rongowhakaata,
- Te Whanau a Kai,
- Ngati Porou
- Te Runanga o Te Whanau a Apanui

Relevant Hapu:

- Te Whanau a Ruataupare,
- Nga Hapu o Kokoronui ki Te Toka a Taiau Takutai Kaitiaki Trust,
- Nga Hapū o Tokomaru Akau,
- Pouawa to Te Toka a Taiau (Ngati Oneone),
- (Ngati Porou)
 - Mawhai Point to Marau Point:
 - Mataahu to Koutunui Head:
 - Onepoto to Rahuimanuka: Potikirua to Whangaokeno;
- Whanau a Apanui Hapu (Davis) Whanau a Kahu
- Potikirua ki Whangaokena Takutai Moana Kaitiaki Trust

Opotiki District/Bay of Plenty Region

(Note: The AEE does not refer to any works within the CMA along the Opotiki Coast. However, as the trail runs through the Coastal Environment and in accordance with regional council practice, the relevant MACA parties along this section of the coast have been identified for direct service)

Te Whakatohea	Mireama Houra/T Sinclair - Te Pataka O Te Mana Tangata Chambers info@mireamahoura.co.nz
Ririwhenua Hapu	Te Kani Williams, Wackrow Williams & Davies Ltd, PO Box 461 Shortland Street, Auckland 1140 tekani@wwandd.co.nz
Ngai Tai Iwi	Foster Milroy Solicitors, 4 Knox Street, PO Box 207, Hamilton Central, Hamilton 3204. mark@fmlawyers.co.nz, charl@ranfurlychambers.co.nz
Ngai Tamahaua Hapu	Te Kani Williams, Wackrow Williams & Davies Ltd, PO Box 461 Shortland Street, Auckland 1140 tekani@wwandd.co.nz
Te Whanau a Apanui	M K Mahuika/T M Williams, Kahui Legal, PB Box 1712, Rotorua 3040. terangimarie@kahuilegal.co.nz, matanuku@kahuilegal.co.nz
Te Whanau a Apanui Hapu	Mireama Houra/T Sinclair - Te Pataka O Te Mana Tangata Chambers info@mireamahoura.co.nz
Te Whanau a Mokomoko	McCaw Lewis Limited t/a McCaw Lewis, PO Box 9348, Waikato Mail Centre, Hamilton 3240 aidan.warren@mccawlewis.co.nz
Te Hapu O Titoko Ngai Tama	Foster Milroy Solicitors, 4 Knox Street, PO Box 207, Hamilton Central, Hamilton 3204. mark@fmlawyers.co.nz, charl@ranfurlychambers.co.nz
Nga hapu o Ngati Ira o Waioweka Rohe	Annette Sykes and Co. Barristers and Solicitors, 8-Unit 1 Marguerita Street, Rotorua 3010. asykes@annettesykes.com, jordan@annettesykes.com
Hiwarau, Turangaoikitoi and Ohiwa of Whakatohea	Mireama Houra/T Sinclair - Te Pataka O Te Mana Tangata Chambers info@mireamahoura.co.nz
Ngati Rua and other Hapu from Whakatohea Iwi	Mereaira Hata, mereairah@gmail.com
Te Whanau a Tuwhiawa-Ngati Paeakau	Eynon Delamere, eynon.delamere@gmail.com
Tutawake	Lesley McLean, tehiika@xtra.co.nz
Te Whanau a Apanui (Michael Insley)	Michael Paratene TeAratahatu Insley, marcia.insley@rdcl.co.nz

Wikaire Whanau Trust	Marcia Insley - The Wikaire Whanau Trust , marcia.insley@rdclc.co.nz
Te Whanau a Apanui (Howell)	Edward Howell c/- Te Kaha Holiday Park, RD3, State Highway 35, Te Kaha, ehowell1941@hotmail.com
Whitianga Trust	Heather Delamere Thompson, heathert@xtra.co.nz
Whanau a Apanui Hapu	Christina Davis, charl@ranfurlychambers.co.nz
Whakatohea Whanau, Hapu, Iwi	Dickie Farrar, dickie.farrar@whakatohea.co.nz
Ngati Patumoana	John Hata, emma@bennion.co.nz
Whakatohea Pakowhai Hapu	charl@ranfurlychambers.co.nz
Ngati Muriwai Hapu	Christina Davis, charl@ranfurlychambers.co.nz
Te Whanau a Te Harawaka	Bella Savage, bsavage@hotmail.co.nz
Herewini Hoera Tere Whanau and Opape 1A 19B Landblock Shareholders	Mau Mai Trust Incorporated, maumaitrust@gmail.com
Hapu and Whanau of Te Whanau Apanui	Chris@tearawafisheries.maori.nz
Te Patuwai and Ngati Maumoana Hapu	Te Patuwai Tribal Committee, ruihitekowhai.shortland@gmail.com; lightstar.jimtak@yahoo.com
Te Whanau a Apanui	Lesley McLean
Pakowhai Hapu of Whakatohea	Larry Delamere, charl@ranfurlychambers.co.nz
Ngai Tamahaua Hapu (Herewini) CMT	Tim Herewini, selwyn.tim@gmail.com
Ngai Tamahaua Hapu (Herewini) PCR	Tim Herewini, selwyn.tim@gmail.com

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SCHEDULE 4

Hapu/Iwi to be served notice

Gisborne District

Relevant Statutory Iwi:

- Ngati Porou

Relevant Iwi with areas of interest:

- Te Aitanga a Mahaki

Relevant Hapu as per Nga Rohe Moana o Nga Hapu o Ngati Porou Act:

- Ngati Oneone Hapu
- Ngati Wakarara – Ngati Hau Takutai Kaitiaki Trust
- Nga Hapu o Waipiro Takutai Kaitiaki Trust
- Whanau/Hapu o Te Aitanga a Mate, Te Aowera and Te Whanau a Hinekehu Takutai Kaitiaki Trust
- Te Papatipu o Ngaere Takutai Kaitiaki Trust & Te Papatipu o Uepohatu Takutai Kaitiaki Trust
- Whangaokeno ki Onepoto Takutai Kaitiaki Trust
- Potikirua ki Whangaokena Takutai Kaitiaki Trust

Relevant Hapu/Hapu Management:

- Whangara Ngati Konohi
- Te Aitanga a Hauiti Mana Kaitiaki Trust
- Hikurangi Takiwa Trust
- Te Whanau a Hinekehu Takutai Trust

Opotiki District/Bay of Plenty Region

Te Upokorehe – dunamistom12@gmail.com

Tuhoe – korero@ngaituhoe.iwi.nz, kevin@ngaituhoe.iwi.nz

Whakatohea –

logan.bertman@whakatohea.co.nz, wmtb.reception@whakatohea.co.nz

Ngai Tai – info@ngaitai.iwi.nz, memory@teaohou.org.nz

Te Whanau a Apanui – riki.gage@apanui.co.nz, runanga@apanui.co.nz

Ngati Ruatakenga – mereairah@gmail.com