

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212059
Submitted on	2025-02-07T16:17:56.6876743+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Newson	Charmaine
	Surname	First Name
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Address		
Mobile	Other phone	
charmaine.newson@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

Clearly state which parts of the application you support or oppose or wish to have amended:
I oppose all of the application.
The reasons for making my submission are (briefly describe the reasons for your views):
<p>The proposed trail is located next to a Kiwifruit Orchard in Te Kaha that our whānau has shares in.</p> <ul style="list-style-type: none"> <li>- The orchard is a working operation since 2000 2025.</li> <li>- Machinery and trucks turn into loading bays to enable the fruit to be loaded and delivered to the packing house in Opotiki.</li> <li>- The highway is busy especially during kiwi fruit harvesting time.</li> <li>- the shelter belts provide key shelter for the orchards and these are on the boundary with the proposed trail.</li> <li>- the land is Māori land and we will not agree to access being granted over our whenua.</li> </ul>
I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):
Reject the resource consents

3. Please indicate:	
I wish to speak at the Hearing in support of my submission	No
Would you consider presenting a joint case with others who have made a similar submission?	No

4. Confirmation	
Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

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### LODGING INFORMATION

Reference Number	RCS250212060
Submitted on	2025-02-07T16:18:02.4471081+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	RICKARD	RAEWYN DENISE
	Surname	First Name
6 Burdett Place, Ruatoria 4032		
Address		
0220880042		
Mobile	Other phone	
raewyn.rickard1@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
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Clearly state which parts of the application you support or oppose or wish to have amended:

I OPPOSE The inappropriate use of the name; lack of tikanga in process; assumed tick box gaining approval process of owners; enabling coercive tactics to form Trusts over whenua for their advantage, no clear advantages for owners. In a 500k track, how much land is taken total in square meters? Land grab. Interference of council and other govt depts orgs on Private Maori Whenua. Long term risks for Te Ao Maori. Who will benefit from all this effort and expenditure? Those who can afford to invest in building motels etc. Waste of time and money. Conditions at home are worsening for the Ahikaa. Vulnerable to property deals. Being set up yet again. Making money from the misery of the people.

I have spoken to many whanau, they oppose this application.

The reasons for making my submission are (briefly describe the reasons for your views:

Maori, Ahi kaa, 30 year plus Maori Land Trustee. I love my whanau, our whenua and Te Ao Maori...spoke with cousins in other Runanga areas who have walkways. Not good feedback

Need to be open right at the start with the worst scenario that could happen. Trustees carry liability.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

No

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
--	-----

Would you consider presenting a joint case with others who have made a similar submission?	No
--	----

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
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I confirm that all the above details are correct	True
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### LODGING INFORMATION

Reference Number	RCS250212063
Submitted on	2025-02-07T16:19:40.6851321+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Papuni-Hohepa	Wirihana
	Surname	First Name
183 Crawford Road, Kaiti, Gisborne 4010		
Address		
Mobile	Other phone	
<a href="mailto:wirihana@manutuke.school.nz">wirihana@manutuke.school.nz</a>		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
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Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

I oppose all parts of the application

The reasons for making my submission are (briefly describe the reasons for your views:

#### Illegal Aspects of the TAT Resource Consent Application

The application for resource consent by Te Ara Tipuna (TAT) raises several significant legal concerns that may render it illegal under current statutes and principles:

##### â€¢ Breach of the Resource Management Act (RMA):

The RMA mandates that all decisions must be made fairly, objectively, and in the public interest. In the case of TAT, there is evidence suggesting that key decision-making processes did not adhere to these requirements. The application appears to have advanced without securing the necessary resource consent, thus potentially bypassing mandatory environmental assessments and the required consultation process.

##### â€¢ Violation of Consultation and Treaty Obligations:

The application process failed to secure the full, informed consent of affected MÄori landowners. The lack of genuine and meaningful consultation undermines the principles of partnership, participation, and protection as guaranteed by the Treaty of Waitangi. Decisions that affect MÄori land, especially those involving culturally significant sites (wÄhi tapu, urupÄ, and taonga), must involve robust engagement with the legal owners and local hapÄ. The failure to do so constitutes a breach of both Treaty obligations and statutory consultation requirements under the RMA.

##### â€¢ Conflict of Interest

Conflicts of interest have been identified in the overlapping roles held by key figures associated with the project. For example, Sir Selwyn Parataâ€™s simultaneous leadership roles in multiple organizations (including Tronpui, the Te Ara Tipuna Board, and Rau Tipu Rau Ora) create significant conflicts that undermine the objectivity of the decision-making process.

##### â€¢ Funding concerns

The approval of grant funding from Te Puni KÄkiri under circumstances that raise questions about its propriety further exacerbates these concerns suggesting that decisions may have been influenced by personal or organizational interests rather than objective public benefit

##### â€¢ Inappropriate Reliance on Adaptive Approaches in High-Risk Zones:

The application suggests an adaptive management approach to mitigating coastal hazards. However, given the rapidly evolving nature of climate change impactsâ€™such as increased coastal erosion, sea level rise, and extreme weather eventsâ€™this approach does not adequately address the inherent risks. Relying on such a strategy without robust, precautionary planning in high-risk coastal zones is both

legally and practically insufficient, potentially placing lives, property, and culturally significant lands at unacceptable risk.

In addition there is no information on TAT website that should this consent be granted

1. Who will carry out the construction of the path, what is the procurement process and how much will it cost? Will the project engage contractors specific to the area where the trail is located? Is
2. Who is responsible for the ongoing maintenance of trail? Who is financially responsible and liable?
3. What are the risks to hapu and landowners in terms of Health and Safety regulations? For example what happens if someone falls and is injured, in an area with no service. What is the H&S plan for TAT.
4. I oppose the use of processes that further alienates us from our lands.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

I wish the GDC NOT to grant resource consent and request the section 32 evaluation report (which will include the council's analysis of costs and benefits of the proposal) be made available for public inspection. When I requested the report from GDC I was told that I would need to read thru all the appendixes some 800 pages to find it, which is not practical.

Furthermore In light of the above points, the TAT resource consent application is fundamentally flawed on legal grounds. The failure to comply with the RMA's requirements for fair, objective decision-making and robust consultation, coupled with significant conflicts of interest and the misuse of funding mechanisms, renders the application illegal. Consequently, the application should be declined to ensure adherence to legal and Treaty obligations and to protect the rights and safety of Māori landowners and the broader community.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	No
Would you consider presenting a joint case with others who have made a similar submission?	No

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

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### LODGING INFORMATION

Reference Number	RCS250212080
Submitted on	2025-02-07T16:24:19.3318418+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Barnett	Aania Anahera
	Surname	First Name
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Address		
0278316837		
Mobile		Other phone
aaniabarnett4@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
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Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	



Clearly state which parts of the application you support or oppose or wish to have amended:
The application in whole Refer to attached written submission
The reasons for making my submission are (briefly describe the reasons for your views):
I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):
Decline Resource Application

3. Please indicate:	
I wish to speak at the Hearing in support of my submission	Yes
Would you consider presenting a joint case with others who have made a similar submission?	Yes

4. Confirmation	
Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

## **1 Introduction**

**1.1** This submission requires that the consenting authorities decline this notified resources consent on the basis that the application fails to meet statutory consideration under the Resource Management Act 1991.

## **2 Statutory Considerations**

**2.1** The Resource Management Act 1991 Section 4 requires the following:

### **6 Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

*(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

*(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

*(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

*(g) the protection of protected customary rights:*

*(h) the management of significant risks from natural hazards.*

**2.2** The Resource Management Act 1991 Schedule 4 requires the following:

### **1 Information must be specified in sufficient detail**

*Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.*

### **2 Information required in all applications**

*(1) An application for a resource consent for an activity (the **activity**) must include the following:*

- o (a) a description of the activity:*
- o (b) a description of the site at which the activity is to occur:*
- o (c) the full name and address of each owner or occupier of the site:*
- o (d) a description of any other activities that are part of the proposal to which the application relates:*
- o (e) a description of any other resource consents required for the proposal to which the application relates:*
- o (f) an assessment of the activity against the matters set out in Part 2:*
- o (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).*

(2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Assessment of environmental effects

### **6 Information required in assessment of environmental effects**

(1) An assessment of the activity's effects on the environment must include the following information:

- (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
- (b) an assessment of the actual or potential effect on the environment of the activity;
- (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use;
- (d) if the activity includes the discharge of any contaminant, a description of—
  - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
  - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
- (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
- (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
- (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
- (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

(3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

- (a) oblige the applicant to consult any person; or
- (b) create any ground for expecting that the applicant will consult any person.

### **7 Matters that must be addressed by assessment of environmental effects**

(1) An assessment of the activity's effects on the environment must address the following matters:

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
- (b) any physical effect on the locality, including any landscape and visual effects:
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

### **3 Consultation**

**3.1** According to the Consultation and Engagement Report it notes that “*not all relevant stakeholders have been engaged with prior to lodgement of consents on 13 July 2023. Consultation and engagement will continue post lodgement*”. There has been no further reports or evidence provided to show the level of engagement and consultation by the Applicant to date.

**3.2** The Report also indicates that only Te Runanganui o Ngati Porou supports this Kaupapa, and no mention of support from the neighbouring iwi of Te Whanau-A-Apanui, Ngai Tai and Te Whakatohea.

**3.3** Furthermore, the report indicates that the Applicant has held 8 public hui forums with approximately 200+ attendees and approximately 50 indicating interest in the Kaupapa, two Marae meetings, but states there are at least 60 marae along the proposed route, and only two landowners meetings with 20 attendees at each meeting.

### **4 Omaio To Hawaii Leg of Trail**

**4.1** The Applicants have notified a whanau member via email that the trail is to be located within road reserve that passes by Whitianga Bay. The whanau member has made attempts to seek clarification from the Applicant with no response or reply received to date.

**4.2** The Applicants supporting documents do not assist in gaining clarity.

**4.2.1** The interactive map on Te Ara Tipuna Trail website cuts off at the t section on Omaio Pa Road and re-emerges somewhere near Tunaphore (Hawaii) Marae. No explanation as to why.

**4.2.2** The Landscape and Visual Assessment report a taxi system may be proposed at the saddle of Pokohinu Point in Omaio through to Maraenui. The report also identifies Whitianga Bay as an area of high natural character and notes that a taxi service may be proposed for all users.

**4.2.3** The Geotechnical Assessment Report due to the steep slopes and narrow roads this section of the track is proposed to use a taxi/shuttle service – if a taxi service is to be removed than a route is to be cut along the hillslope.

- 4.2.4** The Recreational Impact Assessment two tracks are proposed to separate walkers, cyclist and horses. One avoids the area and will not impact site, the second proposed track alignment will impact the area and its ecological values – no further clarity provided.
- 4.2.5** The Ecological Impact Assessment indicates that further analysis will need to be completed to finalise the track.

## **5 Conclusion**

- 5.1** The Applicant has failed to engage in meaningful and effective consultation with the hapu, landowners, marae and iwi along the 500km proposed trail. Therefore, it has failed to satisfy 6(e) of the RMA 1991.
- 5.2** The Applicant fails to clearly confirm the proposed track for the Omaio to Hawaii leg, therefore fails to meet the requirements of S2 of the fourth schedule of the Act.

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### LODGING INFORMATION

Reference Number	RCS250212083
Submitted on	2025-02-07T16:24:50.7958267+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Papuni-Hohepa	Atawhai
	Surname	First Name
183 Crawford Road, Kaiti, Gisborne 4010		
Address		
Mobile	Other phone	
tarynepapuni@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
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##### â€¢ Breach of the Resource Management Act (RMA):

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##### â€¢ Violation of Consultation and Treaty Obligations:

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##### â€¢ Funding concerns

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##### â€¢ Inappropriate Reliance on Adaptive Approaches in High-Risk Zones:

The application suggests an adaptive management approach to mitigating coastal hazards. However, given the rapidly evolving nature of climate change impactsâ€”such as increased coastal erosion, sea level rise, and extreme weather eventsâ€”this approach does not adequately address the inherent risks. Relying on such a strategy without robust, precautionary planning in high-risk coastal zones is both legally and practically insufficient, potentially placing lives, property, and culturally significant lands

at unacceptable risk.

The reasons for making my submission are (briefly describe the reasons for your views:

In addition to above, there is no information on TAT website that should this consent be granted

1. Who will carry out the construction of the path, what is the procurement process and how much will it cost? Will the project engage contractors specific to the area where the trail is located? Is
2. Who is responsible for the ongoing maintenance of trail? Who is financially responsible and liable?
3. What are the risks to hapu and landowners in terms of Health and Safety regulations? For example what happens if someone falls and is injured, in an area with no service. What is the H&S plan for TAT.
4. I oppose the use of processes that further alienates us from our lands.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

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### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	No
--	----

Would you consider presenting a joint case with others who have made a similar submission?	No
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### 4. Confirmation

Are you submitting this form on behalf of another person?	No
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I confirm that all the above details are correct	True
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### LODGING INFORMATION

Reference Number	RCS250212090
Submitted on	2025-02-07T16:27:49.1102377+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Shepherd	Moana Yvonne
	Surname	First Name
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Address		
021 1292223		
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moanays2@gmail.com		
Email address		

### 2. SUBMISSION ON

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Position on application	oppose	

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

- 1.Environmental impact e.g. our land is prone to slips & subsidence.
2. Cultural insensitivity- our urupÄ on the foreshore, unmarked burial areas known to our hapÄ«,
- 3 Property rights - easements on our land, liss of control.
- 4.Health & Safety - our responsibility.
5. Rubbish - our council does not provide rubbish collection, what will happen here?
6. Roads - our roads are narrow & unsafe now with the increased traffic & barely cope - fisherpeople, tourists. Loggers etc. We don't have footpath & our tamariki are are not safe going to & from kura.
- 7.Maintenance & liability - our council can barely provide for us the rate payers, services are minimal.
8. Our tipuna passed the whenua down to us to work & care for, not for some arrogant outsiders to come & tohutohu us on what we should do & what's best for us because a light bulb flicked on in her head whilst walking the el camino trail.

The reasons for making my submission are (briefly describe the reasons for your views:

Our whenua is our business

Te Ara Tipuna C. Trust didn't have the decency to ask. They have consulted following a pakeha process over whenua MÄ ori. Te Whanau A Apanui have a consultation Tikanga - you must consult with EACH HAPÄª, what happened here. So much for the special relationship.with Ngati Porou agreed upon at the battle of Tokakuku. We have never fought since then, you've just started a war!

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

Terminate this proposal forthwith!

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
--	-----

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

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
---	----

I confirm that all the above details are correct	True
--	------

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212098
Submitted on	2025-02-07T16:29:38.0609551+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Kingi-Taumaunu	Torepe
	Surname	First Name
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Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

Clearly state which parts of the application you support or oppose or wish to have amended:
As attached.
The reasons for making my submission are (briefly describe the reasons for your views):
As attached.
I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):
Do not grant this resource consent.

3. Please indicate:	
I wish to speak at the Hearing in support of my submission	No
Would you consider presenting a joint case with others who have made a similar submission?	No

4. Confirmation	
Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

To whom it may concern,

I am writing to express my concern and opposition to the proposed Te Ara Tipuna trail, particularly the proposed segment that passes through Whangara. I fully support the position of Whangara Farms in opposing this application and wish to highlight several issues I have found regarding the integrity of the proposal, as well as the potential harm it may cause to local Māori communities, landowners, and cultural values.

As a descendant of Whangara and having grown up with my grandparents Hone and Te Maire Taumaunu, I share a deep and personal connection to this whenua. Our family homestead, located at 363 Pa Road, Whangara—adjacent to Whangara Marae—is now vested in a whanau trust following the passing of my grandparents. This whenua has been the ancestral home of our people for generations, and its cultural, historical, and spiritual significance is immeasurable.

I am therefore particularly concerned with the proposed passage of the trail through this particular sacred area. The segment of the trail proposed for Whangara is of particular concern to me, as it directly impacts the land that holds profound ancestral and cultural value.

### **Environmental Impact and Ecological Degradation**

Despite assurances that the Te Ara Tipuna walkway will have minimal environmental impact, the reality is that its construction and long-term maintenance are likely to cause significant harm to our fragile coastal ecosystems and dune environments. These areas are already under threat, and introducing a pedestrian trail in such sensitive zones will inevitably result in soil erosion, loss of vegetation, and degradation of the coastal margins. Even with efforts to minimise earthworks, any disturbance to these delicate environments—whether during construction or through ongoing maintenance—will exacerbate existing challenges such as erosion, making these regions more vulnerable to the effects of sea-level rise.

It is further concerning that the proposal prioritises the construction of new infrastructure while existing infrastructure in our community remains neglected. For example, the portion of Pa Road in Whangara, severely impacted by Cyclone Gabrielle, remains unrepaired for over two years. It is difficult to reconcile the urgent need for repairs to existing infrastructure, which is crucial for the daily lives of our whānau, with the introduction of a new walkway that requires long-term upkeep. It raises the question of whether the resources allocated to the proposed “walkway” bridge over Waimoko (Whangara awa), and other infrastructure in this project could not be better used to address the longstanding issues with our roads and essential services.

If the funds allocated for the proposed bridge are intended solely for that purpose, it is crucial to note that they will not be directed to fix the existing, deteriorating infrastructure.

This highlights the irony of a project aimed at introducing new infrastructure and maintenance when we are yet to receive attention for the basic needs of our community.

### **Access, Control, and Māori Sovereignty**

A particularly concerning aspect of the proposal is the introduction of a “passport” system to regulate access to the trail. This raises serious questions about enforcement and oversight. Who will monitor and ensure that only those with the appropriate passes are permitted to use the trail? More concerning, however, is the implication that as tangata whenua, we would require

a passport to access our own land—this feels like an additional layer of colonisation, an imposition of a tracking system on our movements in our own rohe.

Our whenua is already grappling with the scars left by Cyclone Gabrielle and the pressures of climate change. We should be prioritising the restoration of our communities and addressing the basic needs of our people before considering new infrastructure that brings outsiders/tourists into our area. We must focus on fixing the roads, ensuring our communities are supported, and safeguarding the integrity of our lands before we consider additional burdens that may exacerbate the challenges we already face.

### **Consultation and Consent**

While the proposal stresses the importance of landowner consent, the process by which this consent is sought appears to be influenced by external factors such as funding opportunities and future development agendas, rather than being grounded in genuine, informed decision-making. Māori landowners may feel undue pressure to consent, potentially undermining their sovereignty and decision-making rights. The fact that consultation has occurred does not necessarily mean that the process was thorough, meaningful, or inclusive.

It is of particular concern that Māori communities—especially those with remote land holdings like in Whangara—may not have been adequately consulted, nor fully informed about the implications of the proposal. A more inclusive, culturally sensitive consultation process is required, one that ensures Māori voices are central in decision-making from the outset. This process should include marae-based discussions in each of the rohe of the proposed “walkway” as well as active engagement with mana whenua.

### **Cultural and Environmental Concerns**

The introduction of the Te Ara Tipuna walkway through areas of significant ancestral importance threatens to compromise the sacred nature of wāhi tapu and the deep cultural connections Māori have to their whenua. Moreover, the risk of environmental degradation to fragile coastal ecosystems—already under pressure from climate change and other factors—cannot be overstated.

The principle of kaitiakitanga, or guardianship, demands that we protect and preserve the environment for future generations. The proposed trail, especially in such ecologically sensitive areas, could significantly impact native flora and fauna, as well as wider ecosystems. Māori communities, particularly those in rural and coastal areas, are often the first to bear the brunt of environmental harm. Therefore, the risks posed by the trail must be thoroughly assessed, with mitigation strategies informed by Māori values of guardianship and intergenerational responsibility.

### **Economic and Social Impacts**

While proponents of the trail argue that it will bring economic benefits, the reality is that external developers and tourism operators are likely to reap the most significant rewards. It remains unclear how local Māori landowners will benefit from the project. Furthermore, there is a risk that the commercialisation of Māori culture for tourism purposes could dilute and commodify sacred cultural practices, undermining the spiritual and cultural integrity of our traditions.

Māori culture should not be reduced to a tourist attraction. Cultural practices should be curated and led by iwi, ensuring they align with Māori values and are not subjected to misrepresentation or exploitation.

## **Security and Safety Risks**

As touched on, the security concerns surrounding the Te Ara Tipuna walkway are also significant and cannot be ignored. While the proposal includes a “passport” system to regulate access to the trail, there are many practical issues regarding how such a system will be enforced and whether it will be effective in ensuring the safety of our people and whenua.

First, there is the question of enforcement: How will we manage the flow of people on the trail? Will there be staff stationed along the entire 500km route, checking each individual for a passport? The sheer scale of the project makes it virtually impossible to secure the trail effectively. Without a robust system in place, this opens up the possibility for unauthorised access by individuals who do not adhere to the intended guidelines. This lack of oversight could lead to significant security risks, including unauthorised entry into sensitive cultural or private areas.

Second, if tourists and visitors are granted access to our whenua without adequate oversight, we face the risk of people unintentionally or intentionally trespassing onto areas that are off-limits, culturally significant, or environmentally sensitive. These areas may include sacred sites, private properties, or even locations where we are actively working on land restoration and conservation. The “passport” system, while well-intended, may not offer enough protection against such risks, particularly if there are not enough personnel or resources to monitor the full length of the trail.

Third, there is a concern around the lack of direct control over who is on the trail. Allowing outsiders unrestricted access to our lands could lead to conflicts between local iwi, hapū, and visitors. Without a clear, enforceable security system, these conflicts may escalate, putting our people at risk and undermining the manaakitanga we hold dear. It could lead to unwanted interactions that compromise the safety of locals, especially in remote areas where help may not be readily available.

The concept of a “passport” system, regardless of its intention, feels like an external imposition—another layer of colonial oversight. It imposes a foreign mechanism to track, monitor, and control our movement, on land that is rightfully ours. This is not just about convenience or practicality; it's about the very principle of self-determination and the authority we have over our own environment and the way we live within it.

## **Conclusion**

The security concerns, both in terms of physical safety and cultural preservation, need to be addressed before we consider moving forward with the Te Ara Tipuna project. A system that is not well-enforced or clear could lead to widespread misuse, environmental harm, and tensions within the community.

The security concerns around the proposed walkway are valid and require serious reconsideration. If we are to move forward with this project, we need a clear, enforceable plan that ensures the safety and wellbeing of our people, our environment, and our cultural integrity. Without this, the proposal poses more risks than benefits. In light of these concerns, I oppose the Te Ara Tipuna trail proposal unless significant adjustments are made. The project must prioritise Māori sovereignty, respect for cultural and environmental values, and meaningful consultation with all affected iwi and hapū.

I urge the proponents of this project to visit each individual marae and rohe through which the walkway is proposed to pass, to hear firsthand the concerns of the local communities. As a Whangara local, I can say with confidence, under the current circumstances, I am firmly opposed to this proposal.

Ngā mihi

Torepe Kingi-Taumaunu.



Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212107
Submitted on	2025-02-07T16:34:13.0509402+13:00

### 1. PERSON MAKING SUBMISSION

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Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	

Position on application	oppose
Clearly state which parts of the application you support or oppose or wish to have amended:	
Oppose ALL All of the application	
The reasons for making my submission are (briefly describe the reasons for your views):	
Illegal Aspects of the TAT Resource Consent Application	
Breach of the Resource Management Act (RMA):	
Breach of treaty of Waitangi	
I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):	
The application fails to meet legal and regulatory requirements	

3. Please indicate:	
I wish to speak at the Hearing in support of my submission	Yes
Would you consider presenting a joint case with others who have made a similar submission?	Yes

4. Confirmation	
Are you submitting this form on behalf of another person?	Yes
I confirm that all the above details are correct	True

Gisborne District Council

4 February 2025

NotifiedRC@gdc.govt.nz

**Subject:** Formal Objection to Resource Consent Application LU-2023-112074-00  
by Te Ara Tipuna Charitable Trust (TAT).

### **Summary of objections**

- **Illegal Aspects of the TAT Resource Consent Application**

The application for resource consent by Te Ara Tipuna (TAT) raises several significant legal concerns that may render it illegal under current statutes and principles:

- **Breach of the Resource Management Act (RMA):**

The RMA mandates that all decisions must be made fairly, objectively, and in the public interest. In the case of TAT, there is evidence suggesting that key decision-making processes did not adhere to these requirements. The application appears to have advanced without securing the necessary resource consent, thus potentially bypassing mandatory environmental assessments and the required consultation process.

- **Violation of Consultation and Treaty Obligations:**

The application process failed to secure the full, informed consent of affected Māori landowners. The lack of genuine and meaningful consultation undermines the principles of partnership, participation, and protection as guaranteed by the Treaty of Waitangi. Decisions that affect Māori land, especially those involving culturally significant sites (wāhi tapu, urupā, and taonga), must involve robust engagement with the legal owners and local hapū. The failure to do so constitutes a breach of both Treaty obligations and statutory consultation requirements under the RMA.

- **Conflict of Interest**

Conflicts of interest have been identified in the overlapping roles held by key figures associated with the project. For example, Sir Selwyn Parata's simultaneous leadership roles in multiple organizations (including Tronpnui, the Te Ara Tipuna Board, and Rau Tipu Rau Ora) create significant conflicts that undermine the objectivity of the decision-making process.

- **Funding concerns**

The approval of grant funding from Te Puni Kōkiri under circumstances that raise questions about its propriety further exacerbates these concerns suggesting that decisions may have been influenced by personal or organizational interests rather than objective public benefit

- **Inappropriate Reliance on Adaptive Approaches in High-Risk Zones:**

The application suggests an adaptive management approach to mitigating coastal hazards. However, given the rapidly evolving nature of climate change impacts—such as increased coastal erosion, sea level rise, and extreme weather events—this approach does not adequately address the inherent risks. Relying on such a strategy without robust, precautionary planning in high-risk coastal zones is both

legally and practically insufficient, potentially placing lives, property, and culturally significant lands at unacceptable risk.

- Conclusion:

In light of the above points, the TAT resource consent application is fundamentally flawed on legal grounds. The failure to comply with the RMA's requirements for fair, objective decision-making and robust consultation, coupled with significant conflicts of interest and the misuse of funding mechanisms, renders the application illegal. Consequently, the application should be declined to ensure adherence to legal and Treaty obligations and to protect the rights and safety of Māori landowners and the broader community.

Gisborne District Council

23 January 2025

NotifiedRC@gdc.govt.nz

**Dear Sir/Madam**

**Subject:** Formal Objection to Resource Consent Application LU-2020-112074 by Te Ara Tipuna Charitable Trust

**We the undersigned** as Nga Uri o Ngati Porou me nga mokopuna o Ngati Porou declare that we hold mana whenua over our respective whenua / and our whakapapa. We do hereby submit this response to the application for resource consent LU-2020-112074 filed by Te Ara Tipuna Charitable Trust 2024.

As landowners of multiple whenua blocks, we are strongly opposed to this application for the reasons detailed in this submission.

**Subject:** Formal Objection to Resource Consent Application LU-2020-112074 by Te Ara Tipuna Charitable Trust.

### **1. Our pepeha**

Ko Hikurangi te maunga

Ko Waiapu te awa

Ko Ngati Porou te iwi

All these taonga are the cultural markers 'gifted' to us by our tipuna. They are our ancestral and tipuna trails and provide Ngati Porou uri with their identity; their whakapapa and their mana and they belong to all Ngati Porou. Our responsibility is to teach, respect and uphold our pepeha throughout our lifetimes. This submission honours our tipuna who marked these trails for us and for whom we (as their uri) must ensure that no one can seek to take control or ownership of our pepeha.

It is our contention that the outcome of this TAT application (if successful) will significantly damage these taonga.

**No reira** our first objection to this application is that it seeks to undermine, dishonour, disrespect and rewrite our pepeha.

### **2. Authority to Apply**

- We contend that Te Ara Tipuna Charitable Trust, as non-owners of our whenua does not have the legal right to submit a resource consent application to construct, operate, and maintain a recreational pathway on our land without obtaining our consent.
- Under New Zealand law, the ability for a non-owner to apply for resource consent to build on Māori land is subject to specific legal requirements, that are set out in the Resource Management Act 1991 (RMA) and Te Ture Whenua Māori Act 1993. These acts clearly state that: a non-owner cannot legally apply for resource consent for a project on Māori land without the explicit approval or authorization of the landowners or governing trustees. These acts were put in place to

specifically protect the rights of whenua following the blatant attacks on our lands from colonial governments. This TAT track ‘feels’ like our whenua is under attack again by both crown agencies and some of our own whanau who contend that TAT is in our best interest. We refute this and reassert that only we know what is best for our whenua. Furthermore, any and all proposed development must have the consent of those with decision-making authority over their land.

As Ngati Porou uri and landowners, we are exercising our legal rights under the Resource Management Act and Te Ture Whenua Māori Act 1993 to formally declare this application unlawful and therefore invalid. We did not grant consent for this project - which is a legal requirement. Accordingly, we request that this application be rejected on the grounds that it fails to meet legal (both in law and tikanga lore) and procedural requirements.

### **3. Failure to consult with landowners**

We submit that TAT did not consult with landowners prior to a decision being made to proceed with the planning design and application for the resource consent. TATs engagement hui were not consultations but information sharing exercises.

In March 2021, Te Ara Tipuna was presented to Te Whānau a Apanui Hapu Chairs by Willie Te Aho.

In April 2021, Hekia Parata sought funding from Te Puni Kōkiri (TPK) to do a business case and secured Trust Tairāwhiti as the fundholder.

In June 2021, a business proposal was produced, which detailed their plan and approach to engagement and consultation. “A reference group will be established, made up of select representatives from Iwi, government, and other relevant stakeholders. A platform will be developed which will be used to communicate information and receive feedback: Te Ara Tipuna Proposal 2021 pg. 39.”

On 16 August 2021 a presentation was given to the Te Rūnanganui o Ngāti Porou (Tronpnui) Board. Although Hekia Parata claims that Tronpnui's Board of Trustees unanimously supported the (TAT) proposal this agreement and its implications have never been communicated to Ngati Porou beneficiaries or landowners. Furthermore, Tronpnui does not have a mandate to make decisions pertaining to privately owned Māori freehold lands. Following that meeting Hekia Parata was appointed as a ‘Special Advisor’ to the Tronpnui Board.

In September 2022, Hekia Parata presented TAT to the Prime Minister and Cabinet Ministers at the Ngāti Porou Crown Taumata. As a result of these presentations, she received government endorsements for the project. In spite of these endorsements, they are worthless without the consent of land owners. Furthermore, any efforts by TAT to seek political endorsements in support of this application should not be given any additional consideration or influence in the decision-making process.

On 4 November 2022, TAT pre-briefed Gisborne District Council, Ōpōtiki District Council, and Bay of Plenty Regional Council.

In November 2022 Te Runanganui o Ngati Porou secured Investment from Te Puni Kōkiri's Te Ringa Hāpai fund, with three deliverables:

1. Review the route
2. Lodge for consents
3. Build a model of the trails

These deliverables confirm that TAT intended to proceed with lodging for resource consents without the consent of the landowners.

In July 2023 Tronpui commissioned the Transport Assessment and Management Plan by Urban connection to support the Resource Consent application for the Te Ara Tipuna Trail (pg.629 of the Final Report). This same month TAT reports that "...consultation has continued and details six planned hui across Ngati Porou communities. TAT also met with the Tairāwhiti Commissioner to discuss the inclusion of Te Ara Tipuna in the Cyclone Gabrielle Recovery Plan. TAT report states: "We pitched for the first stage from Tokomaru Bay to Ruatoria to be included in the recovery plan. This stage would be constructed to serve as a civil emergency route between communities, built to take emergency vehicles when required." There is no evidence provided from TAT as to the outcomes of this 'pitch'. While this meeting may appear altruistic on the surface, it came during a time when the livelihoods of our people had already been severely impacted by the cyclone, and to use the recovery plan as a vehicle to advance the TAT project takes advantage of their vulnerability. This attempt to frame the project as a response to an emergency situation obscures its true intent and disregards the genuine needs of our communities in the wake of the disaster.

In October 2023 TAT lodged an application for a resource consent seeking a 40-day submission period. This 40-day period is the timeframe for the council to either grant or decline the application. In response to this application the Gisborne District Council (GDC) requested additional information from TAT to support their resource consent application.

15 November 2024 TAT updated their application to include a comprehensive Assessment of Environmental Effects (AEE) and other technical reports. These documents detail the design and potential impacts of the proposed pedestrian trail, addressing the council's request for more detailed information in 2023.

11 Dec 2024 GDC received the updated application and advised that TAT be publicly notified in accordance with the public notification steps and service as set out in the notification report. The notification report required: "...that 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." These processes included newspaper notices in the Gisborne Herald and a separate web page and hub on the GDC website.

### **Information sharing not consultation**

“Consultation and engagement began in 2021, with the first socialisation of Te Ara Tipuna with Te Rūnanganui o Ngāti Porou (TRONPnui), to the first introductory sessions with landowners, hapū, and communities between Gisborne and Ōpōtiki from May/June 2023” see: *Consultation and engagement pg. 50 Final report*. As of 2023, TAT, in collaboration with Tronpnui, Te Puni Kōkiri, and Trust Tairāwhiti, had developed plans to move forward with the project, including lodging the resource consent application in October 2023. It is evident that the hui held with relevant stakeholders, particularly landowners, hapū, and communities, were not consultations intended to seek decisions, but rather sessions for information sharing to inform us of decisions that had already been made on our behalf. This is inconsistent with the requirements of the Resource Management Act (RMA), particularly in terms of consultation and engagement. Simply notifying us of decisions that have already been made do not meet the standard of consultation outlined in the RMA Act.

We therefore submit that the application be declined as it breaches the requirements of the Resource Management Act in relation to meaningful consultation and engagement.

### **4. Failure to honour Te Tiriti o Waitangi**

*Ko tatou te whenua ko tatou te mana... Ours is the land, ours is the mana.*

We contend that our tipuna left a trail for their descendants, and this trail is embodied in the Treaty of Waitangi, which ensures our protection over our whenua, sea, and taonga. Whilst this trail was established to guard against the Crown usurping our rights to our whenua, it equally applies to this attempt from TAT. Their success in achieving political and financial support for this project from the Crown demonstrates their blatant disregard of mana whenua. We did not, nor would we ever cede rangatiratanga over our whenua or our mana to tourists wandering around aimlessly over our lands! Furthermore, tino rangatiratanga, as affirmed in the Treaty, ensures that any development or action involving Māori land must prioritize consultation and obtain the consent of the rightful owners or representatives of that land. Under the Treaty of Waitangi and Māori land law, decisions made about land use or projects on their land must be done with their full involvement and consent. This goes beyond just consultation—it requires informed consent from those with legal title and cultural connection to the land. This submission demonstrates that this has not occurred.

Given the breach of consultation, the failure to uphold Treaty principles, and the non-compliance with RMA requirements, it is evident that the processes used by TAT are flawed and the application must be declined.



## 5. Intention to use ‘government mechanisms’

Herenga a Nuku (Outdoor Access Commission)

TAT states that they have engaged with Herenga a Nuku (Outdoor Access Commission) and received strong support from this organisation. They go on to say that they intend to “...engage in further in-depth negotiations with landowners to reach agreements using Herenga ā Nuku’s legal instruments, advice, and support following lodgement of the Resource Consent application: see Final Report pg. 654. Herenga ā Nuku employs several legal mechanisms to access and use Māori or private land for walkways, including:

1. Easements – legally registered rights of way that remain in place even if the land is sold. Easements may be negotiated with Māori land trusts or incorporations, creating enduring public access without requiring ongoing landowner consent.
2. Access Agreements (Private Contracts) – Voluntary agreements between landowners and Herenga ā Nuku. These agreements may be temporary or long-term but do not always involve registration on land titles, potentially limiting protections for Māori landowners.
3. Covenants – Binding agreements under the Walking Access Act 2008 or other legislation. Covenants create legal obligations that could restrict Māori landowners' ability to manage their whenua as they see fit. Under the Walking Access Act 2008 – Herenga ā Nuku has statutory powers to negotiate access and facilitate walkway creation. While compulsory acquisition is generally not exercised, the statutory framework reinforces Crown influence over access negotiations.
4. Licences or Permits – Temporary or conditional permissions that allow public access but do not create a permanent legal right. These instruments may be presented as flexible arrangements, yet they can still influence land use decisions over time.
5. Memorandums of Understanding (MoU) – Non-binding agreements outlining principles of access but lacking enforceable property rights. MoUs may be used as a means to establish informal precedents for access.
6. Designations Use of Existing Legal Roads, Marginal Strips, and Esplanade Reserves – Some walkways are routed through land already subject to public access rights, but this approach may still impact Māori landowners whose whenua adjoins these areas.

Irrespective of TATs claims that “...even with resource consent approval, nothing will happen on your whenua unless you sign a legal agreement (easement) to permit it.” However, they fail to make it clear that they will not proceed with an easement application if you do not consent. They then go on to state that the resource consent application covers the entire 500kms and that, “if you oppose your part, you stop others who want it in theirs...” urging whānau not to oppose the consent and prevent it from going forward. This is a form of pressure put on whanau and it is unacceptable given whanau have not participated in the decision to proceed.

Given these considerations, we submit that the Te Ara Tipuna Trail project, which seeks to utilize such instruments to establish public access, represents a direct threat to Māori landowners' rights and tino rangatiratanga (sovereignty) over their lands. The lack of proper consultation and the failure to secure full, informed consent from the legal owners of the land further exacerbates this issue. It is clear that this project, as currently proposed, disregards the cultural, spiritual, and legal rights of Māori landowners. Without the consent of these owners, the project cannot proceed as it fundamentally undermines Māori land rights and runs counter to the principles enshrined in the Treaty of Waitangi. For these reasons, we assert that this application must be rejected.

## **6. Tairāwhiti Māori Land Court**

“There are a total of approximately 400 land blocks, from Makorori to Opotiki, involved in the project and approximately 5,000 – 6,000 landowners. The actual number of landowners has yet to be confirmed, as a number of the land blocks have no governance or oversight group. Te Ara Tipuna has engaged the support and services of the Tairāwhiti Māori Land Court to work with land blocks to “establish appropriate governance mechanisms” (The TAT Final Report pg. 610).

Given TATs intentions to engage Herenga ā Nuku (the Outdoor Access Commission) for legal instruments, advice, and support it would be fair to assume that TATs definition of "appropriate government mechanisms" referred to in this context likely include the various legal structures available under Te Ture Whenua Māori Act 1993 (the Māori Land Act).

Te Ture Whenua Māori Act 1993

Section 291 of the Te Ture Whenua Māori Act 1993 (the Act) allows the Māori Land Court to grant easements over Māori land:

- which can be granted even if not all landowners agree, as long as the Court determines it is “necessary or desirable.”
- where formal governance structures do not yet exist,
- for rights of way (including public walkways or trails)
- for infrastructure access (such as roads, utilities, or pipelines)

Once an easement is granted, it becomes a permanent legal right on the land title—even if landowners later change their minds or governance structures are established. This means whānau could lose control over parts of their whenua. Since some of these land blocks have no formal governance, TAT asserts that the Tairāwhiti Māori Land Court’s role would be to help whānau navigate the legal process of establishing these structures. These actions of support for whānau are not to promote the interests of mana whenua – but rather the ensured development of the Te Ara Tipuna trail. This intent coupled with TAT’s plans to use government mechanisms (and their blatant disregard for the rights of Māori land owners) support a view that TAT will take the most plausible legal pathway and seek to obtain easement orders over Māori land.

The Māori Land Court was established to support the retention and protection of Māori land, although it has been proven that in the past the Crown and external interests have mis used it to facilitate access and infrastructure projects that do not benefit Māori landowners. If TAT intends to use the Court to gain easement rights or other access rights over our whenua this would constitute a misuse of the legal mechanisms to undermine Māori landowners' rights. They also fail to acknowledge that Māori landowners are not merely 'stakeholders' in this process, but sovereign decision-makers over their whenua.

We contend that the planned misuse of the Tairāwhiti Māori Land Court to implement government mechanisms over Māori land represents a direct threat to Māori landowners and Māori sovereignty. The Tairāwhiti Māori Land Court is a key institution that has historically protected Māori land interests, ensuring that decisions regarding Māori land are made by Māori, for Māori, and according to Māori tikanga (customary law). The attempt to leverage this institution to impose government-driven mechanisms on Māori land, without proper consent or consideration of Māori rights, is not only an affront to Māori autonomy but is also illegal. This process could set a dangerous precedent, enabling the erosion of Māori land rights and weakening the ability of Māori to self-govern and make decisions over their ancestral lands.

The process, as currently framed, represents a flawed and illegitimate use of legal tools that ignore the fundamental rights of Māori landowners and violate the protections guaranteed by the Treaty and Māori land law. Therefore, given the threat to Māori landowners' rights, the breach of the principles of the Treaty of Waitangi, and the illegality of such an approach, we submit that this application must be declined.

### **Regional Infrastructure Fund**

In 2022 TAT was identified as a priority for the Regional Infrastructure Fund (RIF) and this designation was confirmed during a presentation at the Ngāti Porou Crown Taumata. At this hui the project received support from former Prime Minister Jacinda Ardern and her ministerial colleagues. Under the Resource Management Act (RMA), a resource consent must be obtained before proceeding with any project that may affect the environment, land use, or resources. By prioritizing TAT for funding before securing the necessary resource consents, the project effectively bypasses the legal process designed to ensure environmental protection, proper consultation with stakeholders, and the safeguarding of Māori land rights. Section 9 of the RMA prohibits certain activities (such as land use or construction) without resource consent. Prematurely supporting or funding a project before obtaining consent is undermining the RMA's safeguards and the public's trust in the planning and regulatory processes. Again - Māori landowners and communities were not adequately consulted prior to the identification of TAT as a priority for funding.

Consultation is not just a formality but a legal requirement under the RMA and the Treaty of Waitangi. We therefore submit that the premature support and identification for funding through the RIF in 2022 without securing informed consent is another example of the breach of the Resource Management Act and the Treaty of Waitangi and the application for resource consent must be declined.

### **7. Compromised the Integrity of the Resource Consent Process**

We submit that the actions of TAT raise questions about whether the consent process itself is being used as a tool to pressure landowners into compliance, rather than as a genuine regulatory step. It also challenges the role of those government agencies involved in prematurely supporting the project.

We assert that any consent application that assumes Māori land will be accessible—without binding agreements in place—is fundamentally flawed and should be rejected. TATs intentions to implement government mechanisms that infringe upon our people’s rights, their efforts to breach our rights under the Treaty of Waitangi, must result in their application for resource consent to be rejected.

To consent to the application would be to condone TATs actions.

### **8. Multiple conflicts of interest**

It is clearly evident that too many of the key individuals involved in the TAT project hold multiple roles within various organizations connected to Ngāti Porou and related entities. This interconnectedness raises questions about transparency, conflicts of interest, and the decision-making processes behind the project.

#### **Hekia Parata: Te Ara Tipuna Project Lead**

Hekia Parata is a Trustee of the Te Ara Tipuna Charitable Trust and is the sister of Sir Selwyn Parata. She was also appointed as a Special Advisor to Te Rūnanganui o Ngāti Porou during Sir Selwyn’s tenure as Chair of Tronpnui. In early 2021, HRM Associates engaged Civil Project Solutions (CPS) to assist with mapping, costing, and assessing the feasibility of a multi-use trailway, as referenced on page 167 of the final application. In July 2023, HRM Associates contracted the Isthmus Group to conduct a high-level Landscape and Visual Effects (LVA) assessment for the concept stage design of Te Ara Tipuna. HRM Associates is a registered New Zealand limited company. Its shareholders are Hekia Parata, Rakaitemania Parata Gardiner, and Mihimaraea Parata Gardiner, the latter two being Hekia Parata’s daughters. Hekia Parata is the sole Director of the company, which is classified under the Policy and Business Analysts industry.

#### **Sir Selwyn Parata: Trustee Te Ara Tipuna Charitable Trust**

##### **Overlapping Leadership Roles in Decision-Making**

Sir Selwyn Parata served as Chairman of Tronpnui during the inception of the TAT project in 2021 and was also a Trustee of the Te Ara Tipuna Board. These roles give him considerable influence over the direction, policies, and decisions concerning the TAT project. As Chairman of Rau Tipu Rau Ora, the

organisation that played a lead role in developing the Social Impact Assessment for the TAT project, his decisions in this capacity could be swayed by his interests related to the TAT project. He is also the Chairman of the Cyclone Gabrielle Appeal Trust: his appointment to this position during a critical recovery period may create conflicting priorities, particularly if resources or decisions overlap with or influence the TAT project. Sir Selwyn's family ties within other key project organisations include his wife - Amohaere Houkamau who as Director of Rau Tipu Rau Ora and an officer at Pahou Consultants, is in a position that could directly affect the project's strategic assessments, including the Social and Cultural Impact Assessments. These family ties include his son Ngarimu Parata who as an officer at Pahou Consultants, alongside his involvement in the Cultural Impact Assessment for the TAT project further blurs the lines between professional assessment and personal interest.

#### **Apryll Parata: Te Ara Tipuna Project Manager**

Apryll Parata's dual involvement in both the TAT Project Manager role and her past position as Senior Responsible Officer (SRO) for Tairāwhiti under MBIE indeed introduces additional concerns around conflicts of interest, particularly with regard to funding approval for TAT. In the context of Tairāwhiti, MBIE has been involved in approving funding for infrastructure and development projects. As Apryll Parata previously held the Senior Responsible Officer (SRO) for Tairāwhiti role within MBIE, she would have had oversight of regional funding decisions, including those that potentially support projects like TAT or other regional infrastructure initiatives. Given this, her shift from a funding oversight position at MBIE to managing TAT could raise concerns about whether her past role influenced funding approvals or provided advantages to the project. This raises a key issue of transparency and impartiality in the decision-making process.

#### **Kimi Parata TAT Project Communications Ngāti Porou**

Kimi Parata is the niece of Sir Selwyn Parata and Hekia Parata. She is employed as the TAT Project Communications Manager Ngāti Porou. It is likely that she is employed directly by Te Runanganui o Ngāti Porou.

#### **Mihimaraea Parata Gardiner**

As part of its support for Te Ara Tipuna (TAT), Te Puni Kōkiri (TPK) committed to funding a full-time employee whose role was solely dedicated to assisting the project team and Te Rūnanganui o Ngāti Porou in completing the contract. The individual appointed to this role was Mihimaraea Parata Gardiner, the daughter of Hekia Parata (TAT's Project Lead) and the niece of Sir Selwyn Parata. Mihimaraea Parata Gardiner was employed by TPK as a Principal Advisor.

#### **Te Puni Kōkiri Funding**

In 2022 it is recorded that Te Puni Kōkiri provided investment support to TAT through the "Te Ringa Hapai" fund and appointed Mihimaraea Parata Gardiner as the full time employee to the project. The provision of this funding raises significant concerns. The total amount of funding that TAT project has received from Te Puni Kōkiri is \$1.9m and funds came from three grant streams:

- from the Māori Development Fund (General) TAT received a total of \$300k to invest in interventions, tools and research to support initiatives which assist Māori landowners to improve the productivity of their land. The Māori Development Fund aims to advance the social, economic and cultural development of Māori in ways consistent with Māori aspirations. Grants are available to eligible kaitono (applicants) for a range of initiatives that support these aims, subject to available funding.
- from the Te Ringa Hapai Fund TAT received \$250k which is a fund intended to support the social, economic, and cultural development of Māori in alignment with Māori aspirations. However, Ngāti Porou did not express an aspiration to construct a walkway trail. This vision originated from the Project Lead, Hekia Parata, rather than from the collective will of Ngāti Porou. As stated by Sir Selwyn Parata, “The idea came from his sister after walking the internationally renowned Camino de Santiago walkway in Spain. We thought we could do something like that here.” (Gisborne Herald, 7 Jan 2025: "Te Ara Tipuna trail could become East Coast’s own El Camino").
- According to the fund’s eligibility criteria:
  - The whenua must be Māori freehold land; and
  - The whenua must have a governing entity (such as a Trust, Incorporation, or other entity established under Te Ture Whenua Māori Act 1993) unless there are seven or fewer owners, in which case all owners must support the application.

However, we contend that this funding was inappropriately granted, as the TAT project proposal itself states: “There are a total of approximately 400 land blocks, from Makorori to Opotiki, involved in the project and approximately 5,000 – 6,000 landowners. The actual number of landowners has yet to be confirmed, as a number of the land blocks have no governance or oversight group.” (Final - TAT - AEE Pedestrian 24.11.14 Combined, pg. 610)

This statement directly contradicts the fund’s requirements, meaning that TAT should not have been eligible to receive funding under this grant.

- from the Whenua Māori fund TAT received a further \$1,350,000. This fund supports whenua Māori based economic, cultural, social and environmental projects which help strengthen whānau, communities, regions and the New Zealand economy. According to the fund’s eligibility criteria:
  - The whenua must be Māori freehold land; and
  - The whenua must have a governing entity (such as a Trust, Incorporation, or other entity established under Te Ture Whenua Māori Act 1993) unless there are seven or fewer owners, in which case all owners must support the application.

Yet again, based on the TAT project proposal’s own admission (Final - TAT - AEE Pedestrian 24.11.14 Combined, pg. 610), many of the land blocks do not have governance or oversight groups. This means that for the third time, TAT received funding that it was ineligible for, making this another case of

inappropriately and wrongfully approved grant funding. (Reference: TPK Investment Recipients 2023/24)

### **Other Te Ara Tipuna trustees and team members**

TATs current Chairman Rei Kohere was the former deputy Chairman of Tronpnui in 2021 when the projects inception began. Kylee Potae, a current Trustee of TAT is the Chair of the Tronpnui Audit and Risk Committee; and Karen McClutchie who is employed by TAT as the Project Liaison & Support officer is a current trustee of Tronpnui.

### **Implications of these conflicts of interest**

The concentration of decision-making power within this closely-knit whanau increases the risk of decisions being made that favour certain interests over others. With key figures occupying multiple influential roles, the independence of the projects process are compromised and the legitimacy of the project's approval process are compromised. While the RMA does not have a dedicated "conflict of interest" clause, its commitment to fair, objective, and transparent decision-making, together with associated local government policies, means that conflicts of interest must be properly declared and managed to maintain the integrity of the resource consent process.

The RMA mandates that all decisions made under its provisions must be fair, objective, and in the public interest. This requirement means that decision-makers must actively avoid any situations in which personal or organizational interests could improperly influence the outcome of their decisions. The fact that grant funding from Te Puni Kōkiri was approved in a manner that appears inappropriate and wrongful only serves to heighten concerns that conflicts of interest are prevailing in the decision-making process. This not only undermines the integrity of the process but also calls into question whether the decisions were truly made in the public interest and in accordance with the RMA's core principles.

For these reasons we submit that this application must be denied.

## **9. Role of the Gisborne District Council**

The Gisborne District Council's obligations to uphold Te Tiriti o Waitangi are unequivocal. As a governing body, it is bound by the principles of the Treaty, which include partnership, participation, and protection. This means actively engaging with Māori in good faith, ensuring their voices are heard in decision-making processes, and safeguarding their tino rangatiratanga over whenua, taonga, and other resources. These obligations require the Council to ensure that any project impacting Māori land, communities, or interests—including Te Ara Tipuna—is subject to robust consultation and consent processes with whānau and hapū who hold mana whenua. Failure to uphold these principles undermines the Council's legal and ethical responsibilities, as well as its commitment to honouring the Treaty's guarantees.

We submit that in order to prevent the Gisborne District Council (GDC) from becoming complicit in the inappropriate actions and omissions of the TAT project team, the application for resource consent must be declined. We urge the GDC to respect our rights as tangata whenua, mana whenua, ratepayers, taxpayers, and, most importantly, the ahi kaa of Tairāwhiti, who have been compromised in numerous ways by the actions of the Te Ara Tipuna team.

## **10. The Planning Assessment Landscape**

### **Visual Assessment and the Landscape Management Plan**

The Land and Visual Assessment (LVA) and the Landscape Management Plan (LMP) prepared by Isthmus concludes that the landscape and visual effects of the wider Project (i.e. both Stages 1 and 2) are less than minor. “Stage 1 which is the subject of this Application requires the least amount of physical works (compared to the Project as a whole) and as such will result in minimal landscape and visual effects (pg. 28)”

#### **Our response:**

- **Insufficient Consideration of Cumulative Effects:** While the LVA concludes that the landscape and visual effects will be less than minor, it overlooks the cumulative impact of both Stage 1 and Stage 2 of the project, especially in the context of long-term changes to the environment. The broader scope of the project might lead to unforeseen consequences on the landscape and natural character over time, even if Stage 1 alone appears to have minimal effects.
- **Lack of Detailed Mitigation Plans:** The LVA suggests that future stages of the design will work to resolve landscape issues, but it does not provide sufficient details about how the mitigation strategies will be practically implemented. There's a risk that the proposed mitigation measures may not be adequate or effective in reducing the negative impacts on the landscape and visual amenity.
- **Underestimation of Visual Effects on Sensitive Areas:** The LVA concludes that the visual effects will be minimal, but this may underestimate the impact on particularly sensitive or valued areas, such as scenic vistas, heritage sites, or ecologically significant regions. Even minor alterations in these areas could significantly affect the perception of the landscape.
- **Subjectivity of Landscape and Visual Perception:** Landscape and visual impacts are often subjective, depending on individual perspectives and experiences. While the LVA may present a general assessment of minimal effects, local communities or stakeholders may perceive the impacts as more significant. Their concerns may not be fully addressed by the LVA's findings. This is more concerning as no consultation has been had with those potentially affected by these assessments.
- **Reliance on Future Design Refinements:** The reliance on future iterations of the design to resolve outstanding landscape issues could be problematic. There is no guarantee that these future refinements will be fully effective or that they will mitigate all potential negative effects. This



approach might overlook the importance of thoroughly assessing the impacts at the current stage of the project.

In summary, we argue that the LVA highlights relies too heavily on assumptions about future design refinements, underestimates cumulative and long-term impacts, and fails to sufficiently account for the subjective nature of visual and landscape effects.

For these reasons we reject the conclusions made by TAT based on assumptions made with no robust consideration of the cumulative and long-term impacts of the project. We submit the conclusions made do not meet the requirements of a resource consent.

### **11. Cultural Effects (pgs. 24 – 34)**

“A Cultural Impact Assessment (CIA) has been prepared by Pahou and Associates Ltd; a copy of which is contained in Appendix 10. Due to the scale of the Proposal (approximately 400 land blocks, upwards of 60 Hapu, 4 Iwi, 20 communities), and the economic engagement with all key parties in this stage of the Project, the CIA report did not delve deep into the actual cultural impacts for each specific site. Rather the CIA sets out a framework and a set of high-level principles that will form the basis of the other detailed CIA reports that will stem from it. Notwithstanding the above limitations, Te Rūnanganui o Ngāti Porou (Ngāti Porou iwi authority/PSGE) has fully endorsed Te Ara Tipuna, and endorsement will be sought from Te Whanau a Apanui, Ngai Tai ki Tōrere and Te Whakatōhea.

“On the basis of the CIA provided by Pahou and Associates Ltd, it is considered that the Proposal will provide a number of cultural opportunities and will have positive cultural effects.”

#### **Our response**

We refute the statement above and challenge the CIA provided by Pahou Consultants. The use of the Living Standards Framework and the attempt to integrate it into our community is poorly informed. The Living Standards Framework (LSF) is a banking and economic tool primarily developed to assess the wellbeing of populations from a broader, often Western, economic standpoint. Its focus tends to be on quantifiable measures such as income, employment, and material wealth, which are important, but they do not fully capture the nuanced and holistic nature of Māori living standards. The framework falls short in addressing the complexities of Māori living standards including:

- **Cultural Identity and Connection to Land:** Māori living standards are deeply tied to their cultural identity, whakapapa (genealogy), and connection to Te Taiao (the natural world). The LSF doesn't have a framework to adequately incorporate the spiritual and relational aspects of wellbeing, like mana (prestige), mauri (life force), or the importance of whakapapa in defining self-worth and purpose. These elements are central to Māori concepts of wellbeing and don't fit neatly into economic measures.
- **Whānau and Collective Wellbeing:** Māori society places a strong emphasis on the collective, with whānau (family) and hapū (subtribe) playing a central role in wellbeing. The LSF, with its

individualistic approach, doesn't necessarily capture the communal and intergenerational aspects that are crucial to Māori perspectives on wellbeing. For Māori, the wellbeing of one person is often tied to the wellbeing of their whānau and iwi (tribe), and this interconnectedness is hard to reflect through the LSF.

- **Cultural and Spiritual Dimensions:** Māori wellbeing extends beyond material wealth and income. It includes spiritual wellbeing, cultural practices, language, and the transmission of knowledge and traditions to future generations. These elements of wellbeing, which are vital for Māori, aren't easily quantifiable or addressed in the LSF framework, which tends to focus on more material indicators.
- **Colonial Impacts and Tino Rangatiratanga:** The LSF doesn't adequately address the historical and ongoing effects of colonization, including the loss of land, language, and cultural practices. Tino rangatiratanga (self-determination) is a key principle for Māori, yet the LSF may not fully encompass the depth of what it means for Māori communities to reclaim sovereignty over their own wellbeing and futures. The impacts of colonization, such as land alienation and the erosion of cultural practices, continue to affect Māori communities and are not always captured by traditional economic frameworks.
- **Holistic Wellbeing vs. Economic Focus:** The LSF is primarily an economic tool that looks at income, employment, and material outcomes. Māori living standards, however, are based on a holistic approach to wellbeing that includes mental, spiritual, emotional, and physical health, as well as community and environmental health. A framework like the LSF that focuses on material wealth can miss these other dimensions.

In short, while the LSF offers a useful lens for understanding certain aspects of wellbeing, it is not sufficient to fully capture the richness and depth of Māori living standards, which are shaped by cultural, spiritual, and communal factors that go beyond economic measures. Given that this is a long-term project with the potential to affect multiple generations, a deeper and ongoing analysis would offer more nuanced insights into how these communities are impacted—especially when it comes to their cultural identity, spiritual wellbeing, and relationship to the land.

The Cultural Impact Assessment fails to adequately account for the 'actual impact on our whanau in Ngati Porou' and Tronpnui does not have the mandate over privately owned Māori whenua. For these reasons the claims made that TAT will provide positive cultural effects is ill informed and does not meet resource consent requirements.

## 12. Social Impact Assessment

“On the basis of the Social Impact Assessment provided by Rau Tipu Rau Ora, Tuara and Health Families East Cape (HFEC), it is considered that the Project as a whole, as well the Proposal (i.e. Stage 1 in isolation), will result in significant positive social impacts.” The SIA goes on to conclude the

following: Based on the above considerations, it is concluded that there is sufficient demand for the proposed Te Ara Tipuna Trail pg. 32.

### **Our response**

The assertion that the proposed development will have a "positive impact" on the people of Ngāti Porou, is misleading and unsubstantiated. The Social Impact Assessment (SIA) conducted by RTRO, Tuara, and HFEC fails to adequately consider the broader and long-term social, cultural, and environmental consequences of the project. The SIA also fails to incorporate tino rangatiratanga and whakapapa obligations. The affected iwi have inherent responsibilities to their whenua, awa, and moana, which cannot be reduced to mere "social impacts." Ignoring these obligations distorts the true costs of the development. While the proposal claims to offer employment and economic benefits, these are often short-lived and disproportionately benefit external investors rather than local whānau. Meanwhile, the degradation of traditional food sources, access to customary resources, and disruption of whakapapa-based connections to the whenua lead to enduring negative social impacts. The SIA appears to have been conducted with a predetermined outcome in mind, rather than being a genuine, community-led evaluation of impacts. It does not reflect the lived experiences and aspirations of hapū and whānau, many of whom continue to advocate for sustainable, culturally aligned economic models rather than imposed developments that undermine local autonomy.

The claim that the development will result in "significant positive social impacts" is based on narrow, Western economic assumptions rather than an authentic understanding of tangata whenua realities. The true social impact of this project includes cultural loss, environmental harm, economic dependency, and the erosion of tino rangatiratanga. Again, these actions are in direct conflict with the intent of the Treaty of Waitangi and the RMA and for these reasons this application must be rejected.

### **13. Recreational Effects**

The key finding from this assessment is that the development of TAT will provide increased recreational and well-being benefits, providing a significant social return on investment. For local communities, it will enhance their ability to take part in existing recreational activities, as well as introduce a range of new recreational opportunities. Importantly, these recreational activities transcend beyond purely physical benefits, as they will embrace Ngāti Poroutanga. TAT will result in an increase in visitors to the region who will be enticed by the recreational opportunities afforded...and there will be a range of benefits for the wider East Coast from these additional visitors (pg. 39)

### **Our response**

#### Increased Recreational and Well-being Benefits

While the development of TAT is positioned as enhancing recreational opportunities and well-being, it fails to acknowledge the adverse effects on local communities. True well-being for Ngāti Porou is intrinsically tied to whenua, wai, and whakapapa. The disruption to whenua, whether through

construction, commercialization, or increased foot traffic, has the potential to sever the spiritual and physical relationships that tangata whenua maintain with their environment. Additionally, the concept of well-being must be determined by Ngāti Porou themselves, not imposed through a framework that prioritizes external recreational values over indigenous perspectives.

### **Enhancement of Existing Recreational Activities**

Existing recreational activities for local communities—such as traditional mahinga kai, rongoā gathering, and cultural practices—are based on an unimpeded connection to the environment. Increased tourism and infrastructure development risk restricting access, altering ecosystems, and introducing external pressures that may erode these customary practices. Furthermore, these "enhancements" assume that locals lack sufficient opportunities for recreation, which ignores the reality that their current activities are already meaningful and culturally appropriate.

### **Embracing Ngāti Poroutanga**

The notion that recreational activities will "embrace Ngāti Poroutanga" is a superficial assertion unless tangata whenua retain full authority over how their cultural values are integrated. There is a fundamental difference between Ngāti Porou controlling and defining their cultural expressions versus these being co-opted into a project that primarily serves external interests. Without direct iwi-led governance and decision-making, there is a risk that Ngāti Poroutanga will be commodified rather than genuinely upheld.

### **Increased Tourism as a Benefit**

The claim that increased tourism is a secondary outcome downplays the significant risks it poses. Increased visitor numbers bring environmental degradation, commercialization of cultural sites, and a shift in local economies that may prioritize tourist interests over community needs. Moreover, the influx of non-local visitors often leads to cultural misrepresentation, dilution of tikanga, and the erosion of local authority over how their whenua is used. Without robust protections ensuring that tourism serves the people rather than the other way around, the long-term costs far outweigh the proposed benefits.

### **Economic Benefits for the East Coast**

Economic benefits from tourism are often overstated, particularly when profits are extracted by external operators rather than reinvested into hapū and whānau. The East Coast economy has long been shaped by extractive industries and projects that claim to bring prosperity while ultimately leaving tangata whenua with environmental degradation and minimal long-term gains. Unless the TAT is structured to ensure direct economic sovereignty for Ngāti Porou, it risks becoming yet another initiative where outsiders reap the rewards while locals bear the consequences.

The framing of TAT as a net positive for recreation, well-being, and tourism fails to engage with the deeper implications for Ngāti Porou sovereignty, environmental stewardship, and cultural integrity. Without a structure that ensures tino rangatiratanga over decision-making, access, and economic benefits, this project risks perpetuating the same extractive patterns that have historically undermined Ngāti Porou mana motuhake. For these reasons the application must be rejected.

### **Traffic Effects**

“On the basis of the Ecological Assessment provided by Tairāwhiti Environment Centre and Graeme Atkins (which is also endorsed by Mark Delaney of Viridis), the minor construction required for a pedestrian track, and the implementation of measures included in the EMP it is considered that any adverse ecological effects have been avoided in the first instance and otherwise will be less than minor” see Final Report pg.43.

### **Our response**

The assertion that the ecological effects of TAT will be "avoided in the first instance" or "less than minor" is fundamentally flawed for several reasons. While the assessment provided by Tairāwhiti Environment Centre and Graeme Atkins—endorsed by Mark Delaney of Viridis—may offer assurances based on standard environmental management practices, it does not eliminate the critical concerns surrounding the project’s impact on the unique and sensitive ecosystems of the East Coast.

#### **The Flawed Premise of "Minor Construction"**

The claim that only "minor construction" is required ignores the cumulative effects of even small-scale developments in ecologically sensitive areas. The construction of a pedestrian track involves land disturbance, vegetation clearance, soil compaction, and increased human activity—all of which can have long-term and irreversible impacts on the native flora and fauna. Furthermore, the specific methods of construction, including the sourcing of materials, the potential introduction of invasive species, and changes to water runoff patterns, have not been sufficiently addressed.

#### **Ngāti Porou Knowledge and Ecological Kaitiakitanga Must Take Precedence**

While external experts have conducted assessments, these cannot substitute for the mātauranga held by Ngāti Porou hapū, who have maintained the mauri of the whenua through generations of kaitiakitanga. Any ecological evaluation that does not fully integrate and prioritize local mātauranga is incomplete. The assumption that adverse effects have been "avoided" contradicts the lived experiences of local kaitiaki, who have raised concerns about the disruption of natural habitats and the broader implications for the whenua and wai.

#### **Increased Human Activity and Its Long-Term Ecological Costs**

Even if the construction itself is deemed "minor," the long-term effects of increased human activity are not. Pedestrian access through ecologically significant areas creates disturbances that are difficult to mitigate. These include:

- **Habitat Fragmentation:** Even well-managed tracks can disrupt native species' movement patterns, nesting sites, and natural regeneration processes.
- **Predator Pathways:** Increased human access often leads to greater movement of invasive species such as rats, stoats, and possums, which pose a direct threat to native wildlife.
- **Soil Erosion and Water Contamination:** Changes to soil stability and water runoff can have lasting effects on streams, wetlands, and coastal ecosystems.
- **The Limitations of the EMP (Environmental Management Plan)**  
While an EMP may outline mitigation strategies, it does not guarantee that ecological damage will be prevented. EMPs often rely on assumptions about compliance, enforcement, and effectiveness that do not always hold in practice. Furthermore, these plans are typically reactive rather than proactive, addressing damage after it occurs rather than preventing it in the first place.
- **The Precedent of "Less than Minor" Effects in Other Developments**  
The phrase "less than minor" is frequently used in environmental assessments to justify development, but history has shown that such assessments often underestimate the actual impact. Many projects deemed "low impact" have resulted in significant ecological degradation over time. The precautionary principle should apply—especially in an area where Ngāti Porou hold a deep responsibility as kaitiaki over their whenua and taonga species.

The claim that "any adverse ecological effects have been avoided in the first instance" is misleading and fails to account for the complex ecological, cultural, and spiritual dimensions of the whenua. The burden of proof lies with the developers to demonstrate that there will be no significant or cumulative harm—not with tangata whenua to prove that their concerns are valid. Unless Ngāti Porou are the authoritative decision-makers on ecological matters related to their own whenua, any claim of "less than minor" effects remains an assertion rather than a demonstrated reality. For these reasons the application must be rejected.

#### **14. Coastal hazard effects**

“The Coastal Hazard Assessment provided by 4D Environmental assessment was based on both Stages 1 and 2 and as such has assessed a wider array of effects than will occur as a result of the Proposal. The establishment of a pedestrian path within the coastal areas, which shall rely on wayfinding and very low impact design, will have less than minor effect” see Final Report pgs. 38 – 46.

## **Our response**

The assertion that the Coastal Hazard Assessment (CHA) is conservative and that adverse effects will be "less than minor" is misleading for several reasons. It relies on assumptions that do not adequately consider the dynamic and unpredictable nature of coastal hazards, the long-term risks of climate change, and the unique cultural and environmental context of the East Coast.

### **Coastal Hazards Are Increasingly Unpredictable and Severe**

The East Coast is particularly vulnerable to coastal erosion, sea level rise, storm surges, and extreme weather events, which are intensifying due to climate change. Even if the assessment has taken a broad scope (Stages 1 and 2), the reality is that hazard conditions are evolving faster than predictive models can fully account for. Therefore, any claim that the assessment overestimates risks is speculative and ignores the principle of precautionary planning in high-risk coastal zones.

Reference: Intergovernmental Panel on Climate Change (IPCC). (2019). IPCC Special Report on the Ocean and Cryosphere in a Changing Climate. <https://www.ipcc.ch/srocc/>

### **Climate Change Impacts**

Coastal hazard zones are shifting due to increased erosion and more frequent extreme weather events. The claim that the effects will be "less than minor" contradicts scientific evidence about escalating risks. Reference: NIWA. (2022). Extreme Weather Events in New Zealand. <https://www.niwa.co.nz/our-research/climate/extreme-weather>

### **Severe Weather Trends**

Recent weather events, such as Cyclone Gabrielle, have demonstrated that even existing coastal infrastructure is at high risk of destruction. A pedestrian track, regardless of design, is not immune to these impacts.

Reference: NIWA. (2022). Extreme Weather Events in New Zealand. <https://www.niwa.co.nz/our-research/climate/extreme-weather>

### **The "Adaptive Approach" Does Not Eliminate Risk**

The claim that an adaptive approach will be taken to track management assumes that mitigation strategies will be effective and feasible over time. However, adaptation is not a solution if the fundamental risks—such as landslides, storm surges, and rising tides—make the track unsafe or unsustainable. Reference: United Nations. (1992). Rio Declaration on Environment and Development. [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf)

### **Costly and Reactive**

Adaptive approaches often require ongoing intervention, including realignments, repairs, and hazard mitigation measures. This places a financial and environmental burden on future generations.

**Cultural and Environmental Disruption:** Any track realignment or modification may further disturb sensitive ecological zones and Ngāti Porou wāhi tapu, urupā, and taonga species.

### **"Very Low Impact Design" Does Not Mean No Impact**

The claim that the pedestrian path will rely on wayfinding and very low impact design does not eliminate risks or adverse effects. Even minimal infrastructure can exacerbate existing coastal hazards by altering natural processes:

### **Increased Erosion**

Foot traffic and even "low impact" pathways can compact soil, accelerate dune destabilization, and lead to unintended ecological consequences. Reference: Ministry for the Environment. (2020). New Zealand's Changing Climate Report. <https://www.mfe.govt.nz/climate-change>

**Wayfinding Does Not Prevent Environmental Damage:** Even if no permanent structures are built, guiding visitors through hazardous areas increases human interaction with fragile ecosystems, introducing risks of erosion, waste, and disturbance to wildlife.

Reference: Morgan, R.K. (2012). Environmental Impact Assessment: The State of the Art. Impact Assessment and Project Appraisal, 30(1), 5-14. <https://doi.org/10.1080/14615517.2012.633329>

### **The Coastal Harm Assessment Fails to Address the Cultural and Kaitiakitanga Responsibilities of Ngāti Porou**

Ngāti Porou hold a fundamental responsibility as kaitiaki to protect coastal and marine environments, including mitigating damage from human activity. The Coastal Hazard Assessment does not appear to have been led by, or significantly influenced by, Ngāti Porou mātauranga and lived experience of coastal changes.

### **Kaitiakitanga Over Coastal Taonga**

The assessment treats the coastline primarily as a developmental and recreational space rather than recognizing its sacred and ecological significance to Ngāti Porou.

### **Failure to Account for Customary Use**

Many of these coastal zones are used for kai moana gathering, spiritual practices, and intergenerational knowledge transfer—all of which could be disrupted by increased foot traffic and erosion.

The claim that the Coastal Hazard Assessment is conservative and that adverse effects will be "less than minor" is deeply flawed. It underestimates the intensifying nature of coastal hazards, overstates the effectiveness of an "adaptive approach," and fails to acknowledge the ecological and cultural risks to Ngāti Porou rohe. The precautionary principle should apply, and Ngāti Porou must have the authority to determine whether this development aligns with their role as kaitiaki. Otherwise, the project risks perpetuating environmental harm, undermining local sovereignty, and disregarding the voices of those most impacted. For these reasons the application must be rejected.

## **15. Geotechnical effects**

On the basis of the Geotechnical Assessment provided by Initia and the mitigation measures proposed as part of the Proposal it is considered that any adverse geotechnical effects can be appropriately managed and will be less than minor (see Final Report pg. 46.)



## **Our response**

The assertion that any adverse geotechnical effects can be "appropriately managed" and will be "less than minor" is problematic for several reasons. It downplays the inherent risks of geotechnical instability in the East Coast region, assumes that mitigation measures will be effective under all conditions, and fails to account for the long-term consequences of land disturbance in an area prone to erosion, slips, and extreme weather events.

Research from GNS Science tells us that:

### **The East Coast is One of Aotearoa's Most Geotechnically Unstable Regions**

The East Coast is well-documented as one of the most erosion-prone and landslide-vulnerable regions in the country, with high susceptibility to slips, ground instability, and subsidence. This is due to:

- **Soft and Erosion-Prone Geology:** The region's underlying geology consists of young, highly erodible sedimentary rock and clay-rich soils, which make the land prone to movement, particularly after heavy rainfall.
- **Steep Slopes and Coastal Cliffs:** Many of the proposed track areas traverse terrain that is naturally unstable, meaning even minor disturbances can trigger major slips.
- **Frequent Extreme Weather Events:** Climate change is increasing the frequency and severity of extreme weather, which accelerates erosion and destabilizes slopes, rendering even well-engineered infrastructure vulnerable.

Mitigation measures may **reduce** some of these risks, but they cannot **eliminate** the fundamental instability of the whenua.

### **Geotechnical Mitigation Measures Are Not Foolproof**

While the Geotechnical Assessment provided by Initia may outline strategies to manage ground stability, these measures have significant limitations:

- **Unpredictability of Natural Events:** Engineering solutions cannot fully control landslides, earthquakes, or storm-induced erosion, which are common in the region. Even well-designed structures can fail when exposed to unforeseen conditions.
- **Ongoing Maintenance and Costs:** Any geotechnical interventions—such as retaining walls, slope stabilization, or drainage improvements—require continuous monitoring and maintenance. Over time, the cost and effort to maintain these structures may exceed their initial benefits.
- **Failure Risks:** Infrastructure failures due to inadequate geotechnical stability are costly, dangerous, and often irreversible. The consequences of failure, such as blocked access, environmental degradation, or injury to track users, have not been adequately addressed.

If the mitigation measures fail, who will be responsible for the environmental and cultural damage caused? Will Ngāti Porou have the ability to enforce kaitiakitanga over land that becomes unsafe or unusable due to these risks?

- **Increased Foot Traffic and Development Exacerbate Geotechnical Risks**

Even if initial stabilization is successful, the long-term increase in foot traffic, infrastructure, and water runoff caused by the track will contribute to further land instability:

- Soil Compaction and Erosion: Pedestrian use can compact soil and remove vegetation, leading to greater water runoff and accelerating slope failures.
- Drainage Disruptions: Changes to natural water flow patterns can undermine land stability, triggering slips in areas that were previously stable.
- Cumulative Effects Over Time: What may be deemed "minor" effects initially can escalate into major land stability issues over the years, particularly if the track requires realignments or additional infrastructure in response to ongoing erosion.

The precautionary principle should be applied—rather than assuming effects are minor, the burden of proof should be on the developers to demonstrate long-term sustainability and safety under realistic East Coast conditions.

### **Lack of Ngāti Porou-Led Geotechnical Oversight**

Geotechnical assessments must not be viewed solely through a Western engineering lens. Ngāti Porou mātauranga has long provided insights into safe land use, natural hazard management, and appropriate development. Any claim that adverse geotechnical effects can be "appropriately managed" must include:

- Ngāti Porou oversight and leadership in land stability decision-making
  - Recognition of traditional knowledge about erosion patterns and risk zones
  - Protections to prevent forced realignments or modifications that further damage whenua
- Without full Ngāti Porou control over geotechnical planning and decision-making, this assessment remains incomplete.

The claim that any adverse effects on the wider environment relating to the Proposal (Stage 1) will be "less than minor" and can be "appropriately managed" is misleading and lacks credibility. This assertion downplays the significant ecological, cultural, geotechnical, and climate-related risks associated with the project. For these reasons the application must be rejected.

### **Policy Assessment and the application**

- Resource Management Act 1991 (RMA) – Section 104(1)(b)

The RMA requires decision-makers to assess whether the project aligns with relevant statutory documents. This project fails to do so due to its adverse environmental, cultural, and ecological effects, many of which cannot be mitigated.

- Principle of Sustainable Management (Section 5)

The project compromises the life-supporting capacity of ecosystems by increasing erosion, sedimentation, and human disturbance in sensitive areas.

Duty to Avoid, Remedy, or Mitigate Effects (Section 17): The proposal fails to avoid adverse effects and instead relies on mitigation measures that are insufficient.

Recognition of Māori Interests (Part 2, Sections 6(e), 7(a), and 8): The project does not uphold tino rangatiratanga and fails to give effect to Ngāti Porou kaitiakitanga over their whenua and taonga.

- **Reserves Act 1977**

The purpose of this Act is to preserve and protect reserves for their natural, scenic, historic, and cultural values. The proposal contradicts this purpose because:

Adverse Environmental Effects: Increased foot traffic and construction will degrade natural habitats and ecosystems.

Inadequate Protection of Cultural Sites: The project does not ensure the protection of wāhi tapu and urupā, which are of high significance to Ngāti Porou.

Commercialisation of Reserved Land: If the track encourages tourism, it could lead to commercial activities that are inconsistent with the protection of reserve land.

- **New Zealand Coastal Policy Statement (NZCPS)**

The NZCPS protects the coastal environment from inappropriate subdivision, use, and development.

This project breaches the following policies:

- **Policy 3 – Precautionary Approach:** The project ignores the uncertainty of climate change impacts, including sea-level rise and coastal erosion. A precautionary approach would require rejecting the proposal.
- **Policy 11 – Protection of Indigenous Biodiversity:** The track will disturb sensitive coastal ecosystems and potentially introduce invasive species.
- **Policy 13 – Preservation of Natural Character:** Coastal erosion, habitat loss, and increased human activity will degrade the natural character of the coastline.
- **Policy 15 – Protection of Natural Features and Landscapes:** The project will have lasting adverse effects on coastal landscapes, particularly in erosion-prone areas.

- **National Policy Statement for Indigenous Biodiversity (NPS-IB)**

This policy statement requires councils to protect and restore indigenous biodiversity. The proposal fails to meet these obligations because:

Destruction of Significant Natural Areas (SNAs): The track cuts through ecologically sensitive areas where native flora and fauna could be harmed.

Fragmentation of Habitats: Increased development will reduce habitat connectivity, making it harder for native species to thrive.

Failure to Protect Taonga Species: The track threatens species of significance to Ngāti Porou and Te Taiāo, such as native birds and plants.

- **National Policy Statement for Highly Productive Land (NPS-HPL)**

This policy aims to protect highly productive land from inappropriate development. The project fails this standard because:

**Erosion and Soil Degradation:** The track will increase erosion in an already fragile landscape, reducing soil productivity.

**Long-Term Land Use Impacts:** Once land is destabilised by the track, it becomes harder to restore for future productive use.

- **National Policy Statement for Freshwater Management (NPS-FM)**

This policy prioritises the health of freshwater ecosystems. The project does not meet these obligations due to:

**Increased Sediment Runoff:** Construction and human activity will contribute to sediment pollution in local rivers and coastal waters, impacting fish and kai moana.

**Failure to Uphold Te Mana o Te Wai:** Ngāti Porou values water as a taonga, yet the project does not prioritise Māori perspectives on water protection.

**Disruption of Riparian Zones:** The track alters natural drainage patterns, negatively affecting wetland and riparian ecosystems.

- **Heritage New Zealand Pouhere Taonga Act 2014**

This Act protects historic places, wāhi tapu, and other culturally significant sites. The proposal does not align with its requirements because:

**Risk to Wāhi Tapu and Urupā:** There is no clear protection plan to prevent damage to culturally significant sites along the route.

**Failure to Recognise Cultural Landscapes:** Ngāti Porou land is not just physical—it holds spiritual and historical significance that the project fails to acknowledge.

- **Tairāwhiti Plan Regional Policy Statement & Tairāwhiti Resource Management Plan (TRMP)**

These local planning documents set specific environmental protections for the Tairāwhiti region. The project does not align with these policies because:

**Erosion and Land Stability:** The Tairāwhiti Plan prioritises land stability and erosion control, yet the project could worsen erosion in high-risk areas.

**Biodiversity and Ecosystem Protection:** The TRMP requires protecting indigenous ecosystems, which this project fails to do.

**Failure to Uphold Local Māori Rights:** The project does not fully recognise and provide for Ngāti Porou kaitiakitanga, as required under the TRMP.

## **Conclusion**

The Project Fails to Meet All Key Legal Requirements

This proposal does not comply with the RMA, national policy statements, or regional planning documents because:

- It causes more than minor adverse environmental effects (biodiversity loss, erosion, sedimentation).

- It disregards Ngāti Porou tino rangatiratanga and kaitiakitanga over their whenua and taonga.
- It fails to apply the precautionary principle to climate change risks (coastal erosion, rising sea levels).
- It does not protect wāhi tapu, urupā, and other culturally significant sites.

We submit that given these failures to meet the requirements of these Acts or ensure that Ngāti Porou hold full authority over decision-making and environmental protection that the application be denied.

### **Final statement**

Our whakapapa. our whenua and our mana are inseparable.

Without one, the other fades and is lost—not only to us but, more importantly, to our mokopuna.

We are Ngāti Porou, and our presence here is a result of the call of our whakapapa. We are the kaitiaki of our land, our waters, our ngahere and the guardians of the very essence of all that belongs to us. We are here because we belong—our whenua is our whakapapa, and no one can dictate what is best for our whenua. For only we, as tangata whenua, know what is truly best for our whenua.

Ko tātou te whenua, ko tātou te mana...Ours is the land, Ours is the mana.

**We confirm the following:**

1. That we are mana whenua of multiple land blocks that will be directly affected, as per the map of the planned Ta Ara Tipuna Trail to build and construct a walkway across 500kms of our whenua
2. That we are mana whenua of multiple land blocks that will not be directly affected, as per the map of the planned Te Ara Tipuna Trail to build and construct a walkway across 500 km of our whenua. However, we remain **‘affected’** as this plan fails to account for our cultural and spiritual connection as Māori and as extended whānau to those who are directly affected by this act of avarice.
3. That we are connected through whakapapa to the sixty-plus marae that will be impacted by the TAT project and are therefore directly affected by this project.
4. That we have given our full and unequivocal consent to the signing of this submission, with our agreement freely and firmly established **before** the submission was filed with the Gisborne District Council.

Allen	Wai
Apanui	Fabian
Apanui	Michael
Apanui	Riahnze Rongomai
Apanui	Rynelle Parehuia
Poi Taitoko	Susan
Taitoko	Desmond
Manuel	Nikora
Reid	Sherekee
Reid	Shammah
Akuhata Brown	Mihi Te Kapua
Baker	John
Baker – (nee Campbell)	Gail
Baker	Matthew
Baker	Oriwia
Frost (nee Baker)	Tawai
Frost	Phillip
Frost	Stephen
Robertson (nee Frost)	Kelly Anne
Frost	Natalia
Frost	Rawhiti
Craft (nee Baker)	Mary
Phillips (nee Craft)	Jasine
Craft	Candice
Craft	Casey
Craft	Ransom
Baker	Nicholas
Baker – Barnett	Justin
Baker	Lauren
Baker	Timothy

Wright (Baker)	Judy
Baker	Billy
Olesene	Leeanne
Wright	Colleen
Kingi (nee Baker)	Hokinga
Kingi	Cameron
Kingi	Christina
Kingi	Ripeka
Baker	Owen
Baker	Gloria Noanoa
Hapimana	Richard
Collier	Harete
Poi (nee Baker)	Maioha
Poi	Monique
Poi	Darryl
Poi	Kumeroa
Baker	Pimia
Baker – Turipa	Travis
Baker	Micah
Hammond	Lilly
Baker	James
Baker	Jordan
Baker	Crystal
Baker	Tyler
Baker	Phoenix
Baker	Ngaire
Baker	Syndise
Baker	Manaia
Baker	Fordeesha
Baker	Jason
Baker – Olsen	Te Ua Rangī
Baker – Olsen	Te Maio
Baker - Olsen	Kaipo
Beach	Lisa
Beach	Tui
Beach	Tama
Beach	Hinemoana
Beach	Arapeta
Beach McGibbon	Wipere
Beach Thompson	Te Rauhina
Beach Wilson	Kahlani
Beach Wilson	Zahnae
Beach Wilson	Maranga
Beach	Shumar
Beach	Te Ataakura
Beach – McClutchie	Florence
McClutchie	Paul
McClutchie	Whaia
McClutchie	Bernadette
McClutchie	Narnia

McClutchie	Nikau
Moka	Bella
Moka	Waiora
Moka	Waimarino
Moka	Archie
Babbington Ward	Hinearī
Gray	Rakairoa
Gray	Te Aomarama
Gray	Tawhipare
Ferris	Michael
Ferris	Loma
Ferris	Penelope
Ferris	Brie
Ferris	Tawhipare
Ferris	Eia Te Ataakura
Bishop	Yvonne
Bishop	Tangiwai
Bishop	Mereruiha
Bishop	Timothy Dewes
Bishop	Marie Amber
Bishop	Matthew
Bishop	Emjay
Bishop	Leah Iritana
Bishop – Rarena	Tawai
Wilson - Bishop	McKay
Wilson – Bishop	Manahi
Wilson – Bishop	Navarra
Wilson – Bishop	Anahera
Brabander	Nate
Brabander	Mahli
Brabander	Jessica
Turner	Allison
Brass	Margaret
Cassidy – Natano whanau	Joan
Collier	Francene
Collier Walker	Henri Jon
Collier	Ngarangi
Cowie	Ivy
Domb	Sariah
Domb	Barbara



Te Moananui	Manawa
Te Moananui	Dijonne Capri
Te Moananui	Lewis Kelly
Eparaima	Kooch
Fata - Meafou	Arianna
Fata - Meafou	Misialofa
Fata - Meafou	Ronan
Manuel	Hinepaetehau
Tawhara	Joseph
Hina	Trish
Hina	Keith
Hina	Samantha
Collier	Apikara
Hina	Sensimelia
Hina	Frank
Hina	Bob
Manuel	Jose Alfonso
Manuel	Reeco
Manuel	Ethan
Grace Hollis	Haley
Grace	Lecanne
Grace	Linda Ray
Grace	Teira
Kaiwai	Bobby Joe
Grace Te Ua	Mary (Merepeka)
Grace	Amelia
Grace	Christine
Grace	William
Weir	Jimina
Grace	Tomina
Grace	Sharianna Lylla
Grace Meredith	Marjorie
Grant	Ihipera
Green	Constance
Green	Elizabeth
Gerrard	Whare
Green	Te Ariki
Green Haupeakui	Tupousau
Green	Taea
Green	Tesimale
Franklin - Green	Wiremu Witeri
Green Haupeakui	Mele
Franklin	Freddin Witere

Green	Robyn Murray
Haenga – Melvin	Anneka
Haenga – Melvin	Ebony
Haenga – Melvin	Amelia
Hingaia To'o	Bowie
Hingaia To'o	Dezaray
Hingaia To'o	Jahzion
Haenga	Ethan
Haenga	Emma
Haenga	Mason
Haenga	Melia
Wilson Haenga	Naye
Wilson	Carl Mitchel Pare (jnr)
Gibbons	Tyler
Gibbons	Paige
Keil	Steve
Keil	Pam
Viseur	Maria
Viseur	John
Haenga	Sonya
Fowler	Devon
Bradin Coleman	Jenavee
Bradin Coleman	Dennis
McEwan	Maraea
Harimate	Roy
Harimate	Rhonda
Harimate	Shy
Heke	Te Rangi
Heke	Ihimaiio
Heke	Aneta
Heke	Tewhai
Heke	Aroha
Heke Meihana	Huia
Heke Mauheni	Nevada Reign
Heke Mauheni	Brooklyn
Heke Mauheni	Minahira
Heke	Chase
Heke	Miriama
Hira	Perito
Hiroki	Sylvia
Hiroki	Samuel
Hiroki	Rachael
Hiroki	Hanaara
Hiroki	Trae
Hiroki	Jirah

Samson	Leslie
Samson	Nixon
Samson	Azera
Samson	Xaedon
Solomona	Katrina
Solomona	Douglas
Solomona	Frances
Solomona	Ashleigh
Solomona	Peter
Taare	Jimmy
Taare	Marion
Taare	Miranda
Stafford	James
Stafford	Billy
Lakalaka	Vincent
Lakalaka	Kataraina
Ayhen	Pandora
Ayhen	Mereana
Pairama	Hariata
Thompson	Barry
Devlin	Amy
Hona (Rangiwai)	Angelique T
Hona	Joseph
Hona	Quentin
Hona	Joseph (jnr)
Hona	Portia
Te Rangiuai	Eunice
Hooper	Krisandra
Hooper	Polly
Hooper	Delicia
Hooper	Mandy
Hooper	Wayne
Hooper	Stewart
Tuhaka	Genesis Maitawhiti
Tawhai – Haig	Exodus
Reedy	Aaria
Huriwai	Joe
Huriwai	Wendy
Huriwai	Queenie
Huriwai - Kaumavae	Leon Tai
Huriwai	Mere
Huriwai	Elizabeth
Huriwai	Joseph
Huriwai	David
Tomailuga	Alice
Johnston	Mita

Johnston	Miriama
Johnston	Ngaekiha
Johnston	Te Iwa
Koia	Raharuhi
Koia	Renata
Johnston	Paki Johnston
Johnston	Lavinia Pohatu
Johnston	Hine
Johnston	William Hamana (Joe)
Jones	Shannonlee
Kaa Poi	Deanna
Kaa	Tiger
Kaa	Michael
Kaa	Alana
Kaa	Bettina
Kaa	Ada
Kaa	Royce
Poi	Gary Kariki
Poi	Katherine
Poi	Raewyn
Poi	Gary (Jnr)
Poi	Deeanna (Jnr)
Poi	Valley
Poi	Creedence
Poi Cashmore	Deaveaon
Poi Cashmore	Zyrah
Poi Williams	Sakura
Poi Williams	Archillies
Poi Williams	Acqua
Poi Williams	Sequence
Poi Williams	Skylar
Williams	Maurice
Williams	Kelly
Williams	Jason
Williams	Issac
Williams	Kyrsa
Williams	Kasie
Williams	Karen
Williams	Kandi
Williams	Latisha
Northover	Eileen
Northover	Tuakana
Northover	Gilman
Northover	Heavenly
Northover	Shakayla
Northover	Wiremu (Jnr)
Northover	Samson

Northover	Stella
Northover	Tuakana (Jnr)
Northover	Inaviri
Northover	Liam
Northover	Destiny Raine
Northover	Nikau McClutchie
Northover	Hendrix
Northover	Christine
Skipper Kaa	Leonie
Northover	Natalie
Kaa	Krystalena
Taukamo Pohio	Apirana
Taukamo Pohio	Aaliyah
Taukamo Pohio	Kendall
Keelan	Karen
Lewis	Trudy
Doel (nee Crawford – Babbington)	Kimihia
Waititi	Omaio
Waititi	Karauna
Waititi	Neri
Waititi	Karauna (jnr)
Lindsay	Moana
Maaka	Emma
Mahuika	James Te Awahaku
Mahuika	Samoa
Mahuika	Ihipera Fetuao Samoa
Mahuika	Matariki Tuatangoa
Mahuika	Te Ahi Boyd
Mahuika	Haenga
Mahuika	Tashina
Mahuika	Rauhuia
Mahuika	Kurt
Mahuika	Kauri
Mahuika	Robert
Mahuika	Dushon
Mahuika	David
Mahuika	Averill
Manuel	Frank
Mathews	Hilda
Mathews	Hamish
Mathews	Hosea

Mathews	Hayme
Philips	Hunter
Metuamate (nee Philips)	Ohomairangi
Metuamate	Waerea
Metuamate	Turongo
Philips	Tyrone
Philips	Hunter
Renata Mathews	Tiramokemoke
Moynihan	Cinadell
Moynihan	Ella
Moynihan	Harry
Moynihan	Maika
Wright	Hayden
Mathieson	Selina (3 <sup>rd</sup> )
Mathieson	Matiu
Mathieson	Darryl Riley
Kaiwai Young	Tuhou
Young	Mereaia
Young	Te Puawai
Mathieson	Arapeta
Green	Pam
Kirk – Wilson	Jessie Denise
Kirk	Riwai
McGuire	Annie
Nepia	Nebula Grace
Newth	Alamein
Newth	Hine
Newth	Moira
Newth	Lydia
Middleton	Rahera
Middleton	Zach
Gosnell	Mike
Ngata	Reremoana Kui
Hohepa	Te Oharere Jocelyn
Pahina – Marsh	Shariana Te Aotawarerangi
Tipuna Pahina	Kahurangi Linda
Tipuna Pahina	Te Rina Wharemuka
Pahina	Riwai
Paniora – Rautangata	Whatumanawa
Paniora	Makere

Paniora - Rautangata	Lehi
Paniora	Mareikura
Paniora - Rautangata	Keenan
Paniora	Waipuna
Paniora	Hinehou
Papuni	Taryne
Papuni	Rakai
Papuni	Atawhai
Papuni	Wirihana
Papuni	Reremoana
Paraku	Quennie
Patuwai – Findlay	Evan
Piwari	Carla
Piwari	Sydney
Piwari	Mereana
Piwari	Kairos
Piwari	Noah
Papatua	Ziani
Poi	Ripeka
Rangiwai	Jean
Rangiwai-Bradford	Marylou
Rangiwai,	Cheyenne
Rangiwai,	Michael
Rangiwai,	Mark
Rangiwai-Te Teira,	Maria
Thompson	Billy
Rangiwai	Zaymial
Rangiwai	Clara Jean
Ruru	Nicki
Raroa	Haami
Raroa	Larry
Reedy	Bobby
Reedy	Aaria
Reiri	Nely
Reiri	Azariyah
Reiri	Kathleen
Reiri – Laupama	Devante
Reiri – Laupama	Serenity

Robati	Renee
Tawhiwhirangi	Jason
Robati	Whetu
Robati	Tamara
Robati	Aroha
Robati	Alexander
Sadlier	Renata
Sadlier	Mason
Sadlier	Yasmin
Sadlier	Yazna
Smith	Mikaera
Smith	Manaia
Smith	Jimmy Hemi
Smith	Herani
Te Hau	Rewai
Te Hau	Lehi David
Te Hau	Kyella Mae
Te Hau	Nylah Reign
Smith	Amelia Myra Howman
Smith	Manaaki Matthew
Smith	Malakye Manaaki
Smith	Noah Manaaki
Smith	Tamati Manawa
Smith	Ropiha Hirini
Smith	Arapeta Ammon
Smith	Amelia Myra Howman
Smith	Jordan
Vase	Vincent
Smith – Vase	Jahvayus
Tata	Emma
Tata	Reginald
Tata	Jessica
Tata	Justin
Tata	Ashlee
Tata	Dasharn
Tata	Kyana - Lee
Tata – Tamoua	L'amayz
Tata – Tamoua	Lazarus
Tata – Tamoua	Zylia
Geros	Deyton
Gray	Zyvana
Desai	Susan
Apanui	Mason



Apanui	Atlas
Snowden	Nathania
Snowden	Monaro
Snowden	Nehemiah
Snowden	Aries Nadia
Snowden	Awarau
Snowden	Zion
Snowden	Boaz
Snowden	Sarai Analia
Snowden	Porourangi David
Snowden	Awarau (Jnr)
Snowden	Analia
Snowden	Warihi
Snowden	Tahiwi
Snowden	Nico
Snowden	Rosalie
Snowden	Normal
Snowden	Faenza
Snowden	Alaric
Snowden	Preston
Snowden	Tainan
Snowden – Isles	Awhina
Snowden – Isles	Ezekial
Snowden – Isles	Sierra Mhirangi
Snowden – Isles	Kaitaha
Snowden – Tupai	Kaizen
Isles	Vincent
Tairakena - Isles	Vinny
Snowden – Fields	Hana
Fields	Jay
Fields	Psalm
Fields	Samuel
Fields	Braelyn
Asalemo	Tuila
Asalemo	Pau
Wanoa	Tyler
Mildenhall	Vanessa Anne
Herewini	Cherish
Spence	Claudia
Stafford	James
Stewart	Odessa
Waara	Matekino

Stafford	Billy
Te Reo	Lee Ann
Tipoki	Reihana
Tokona	Maia
Ward	Lillian
Ward	Nellie
Te Hau	Wai
Te Hau – Babbington	Brandon
Henare	Lamon
Henare	Chance
Walker	Roena
Walker	Janna Leigh
Walker	Pa Sam
Walker	Ani
Walker	Samantha
Warmenhoven	Marijke
Wawatai	Vanilla Jade
Wawatai	Mace
Wawatai	Joanne Misty
Wawatai	Maryann
Wharepapa	Shellina Winirangi Te Kiri
Wharepapa Wawatai	Ihaka Hamish Richard
Smith Wharepapa	Te Ringa Taare
Reihana	Veronica
Reihana	Iizar
Wharepapa	Clarindalyn
Wharepapa	Bino
Whangapirita	Kura Heneriata
Whangapirita	William Maui
Whangapirita	Janine Roberta
Whangapirita	Hone Te Pakaroa Awarau
Whangapirita	Tiah Te Ataakura
Whangapirita	Raukura Maui
Kupenga Whangapirita	Arohia
Kupenga Whangapirita	Aperahama
Soloman Whangapirita	Robert

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212133
Submitted on	2025-02-07T16:45:46.2994367+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Bennett	Tina-Louise
	Surname	First Name
128 Castor Crescent, Cannons Creek, Porirua 5024		
Address		
021965687	021425082	
Mobile	Other phone	
tina.bennett1971.tb@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

Oppose:

-The Te Ara Tipuna Charitable Trust lodging an application for multiple resource consents to enable the design and construction of Stage 1 of the Te Ara Tipuna Trail. The Stage 1 trail is a public walking trail plus horse trekking plus cycle riding and runs for approximately 500km from Gisborne around the coast to Āpāpā tiki.

-That the Trail is proposed to be located across private and multiple owner land blocks, along road corridors, reserves and the coastal margin

-That the Trail is a proposed trail of 500km through the homeland of Ngā ti Porou and Ngā ti Uāpā hatu and Rongowhakaata and Te Aitanga-ā-Mahaki through multiple owner land blocks, and waahi tapu

That the trail passes by Marae, private land dwellings - open for exposure of the unwanted kind and landscape preservation that the valley and beach area currently have.

The reasons for making my submission are (briefly describe the reasons for your views:

Oppose:

- Typical construction over 500km of landscape, waterways, waahi tapu that impact on the environment that changes the landscape, coastline in its natural habitat

- located across private land and multiple owner land blocks, along road corridors, reserves and the coastal margin making infrastructure accessible to walkers, horses, cyclists that is currently preserved by the owners, some owners have not been consulted regardless of the marae and consultation Te Ara Tipuna trust done, their are owners who do not live within the vicinity of their hau kaenga, that have not returned to their whenua due to a number of reasons, not knowing, land owners passed no succession of lands, whānau trusts not active, whānau legitimately not knowing, finding owners has been more difficult, tipuna migrating to the cities not returning home disenfranchised from their hau kainga. Lack of information and informed consent by private and multiple owners, how do owners get informed if they truly are not told about the changes in this region?

-Te Ara Tipuna think they will provide access, experience and connect to whenua there are other ways to do this without putting a 500km pathway through the region of Te Tairāwhiti, share and preserve stories of wahi we are currently doing this back home.

- The construction of the trail may involve land disturbance, vegetation clearance, establishment of culverts, bridges and clip on bridges.

Users of the trail will use public toilets located along the route. This wasn't spoken about.

Eco loos -These toilets need to be emptied of waste to continue doing their job correctly, meaning that the more people who use the bathroom, the more frequent emptying needs to occur. Where will that pollute.

Composting can attract unwanted pests and wildlife, which can create public health risks and damage property. Plus, improperly managed compost piles can emit strong odors, which can create problems for nearby residents and businesses

Composting Is a Slow Process

Organic materials can take a month or up to a year to completely decompose. As a result, organic materials reside in the soil for an extended time and release greenhouse gases as they decompose, similar to how materials break down in a landfill.

Nappies and other personal hygiene items could be misdisposed of in Ngā ti Porou

Public toilets will be used in the first instance, however, if there are no public facilities available, public toilets will be established. This wasn't told to the locals.

The track may require the establishment of shelters or huts.. It is the intention to avoid sensitive areas and should these buildings/structures be required, will be located in accordance with the zone standards, including the required setbacks, this was not mentioned to the people of Ngāti Porou.

Whilst the majority of the trail will be wayfinding, there may be areas where there is a functional need to establish built components. The area and volume of soil disturbance maybe triggered however there shall be no cuts or fills over 3m.

Land disturbance to establish the trail may exceed the total area and total volume within the Outstanding Natural Landscape.

Earthworks In accordance with the LMP, the path will be aligned to avoid significant earthworks and vegetation removal, however, where there is a functional need, the construction of the trail may involve land disturbance in these areas may be over the permitted standards.

. Gravel and mixed sand-gravel beaches are typically backed by a storm berm which is formed when high energy waves deposit material at the top of the beach slope. Waves overtop the storm berm during extreme events and sediments are deposited on the landward side in a process is known as rollover . Some gravel is also eroded from the beach face and deposited low on the beach profile. During calm conditions, gravel can be transported up the beach face and form small berms. Although gravel beaches do experience dynamic fluctuations in shoreline position

, inappropriate positioning, construction or management of the trail could exacerbate the existing coastal hazard risk, including: - earthworks and associated vegetation disturbance on sensitive dune and coastal margin environments - damage to dunes and coastal margins from increased pedestrian and horse access - increased coastal hazard risk due to placement of assets (including the trail and associated structures) within high-risk areas.

Earthworks Earthworks have the potential to expose highly erodible (non-cohesive) soils in dune environments. Dune sediments are easily damaged both by direct physical disturbance, and by accelerated or chronic wind and coastal erosion if native vegetation is lost. Beaches and associated dunes are easily eroded and particularly vulnerable to projected sea level rise. Retention of natural dune volume is important for coastal resilience. Disturbance of these coastal margin sediments can exacerbate erosion rates, particularly in areas where the coastline has an existing erosion trend.

the physical disturbance associated with pedestrians and horses accessing the beach. Increased pedestrian and horse traffic could degrade fragile coastal margins in some areas

Pedestrian and horse traffic - In some environments the coast cannot adjust landward as it would naturally in response to sea level rise. This may be due to coastal protection structures, existing infrastructure or development, or natural geomorphology (erosion resistant and/or steeply rising land). In these cases, accessible beaches may become pinched out over time. This will threaten the sustainability of beach sections of the walk at higher stages of the tide and alternative solutions may be required. It is difficult to predict the timeframes over which this access may be lost, due to natural fluctuations and the inherent uncertainty associated with predicting both sea level rise rates and the shoreline's response to sea level rise.

Although effort has been made to minimise coastal hazards, there are sections of the trail where there is no option but to locate it within the identified coastal hazard area. In these areas, the width of the trail will be adapted, and the construction methods/materials limited to avoid large investment within the hazard area and ensure adaptability (i.e. simple path design). In many of these areas, the trail is directly adjacent to (or directly

utilising) existing infrastructure that is at risk from coastal hazards. Placement of toilet and shelter buildings within an area vulnerable to coastal erosion or inundation could cause disturbance to sensitive coastal environments and add to coastal hazard risk.

â€œ Key Limitations: Due to the scale of the project approximately 400 land blocks, upwards of 60 Hapu, 4 Iwi, 20 communities, and the economic engagement with all key parties in this phase of the project, this CIA report will not delve deep into the actual cultural impacts for each specific site. This CIA report will set out a framework and a set of high-level principals that will form the basis of the other detailed CIA reports that will stem from it. Notwithstanding these limitation Te Runanganui o Ngati Porou (Ngati Porou iwi authority/PSGE) has fully endorsed Te Ara Tipuna, and through Phase 2 endorsement will be sought from Te Whanau a Apanui, Ngai Tai ki Torere and Te Whakatohea

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

Oppose this multiple applications, consultation for all involved, stop this from happening until due diligence has been done.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
--	-----

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

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
---	----

I confirm that all the above details are correct	True
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Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

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### LODGING INFORMATION

Reference Number	RCS250212138
Submitted on	2025-02-07T16:47:41.3029691+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Swanson	Walter
	Surname	First Name
7288 State Highway 35, RD 3, Opotiki 3199		
Address		
0273331005	0221005103	
Mobile	Other phone	
walter@swansonlegal.co.nz		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

I am the Chairman to the Haurua Ahuwhenua Trust. I make this submission with the mana of the balance trustees. The Trust has been invited to make this submission in respect to the proposed trail may be over trust property (which I, fellow Trustees and owners in the block are shareholders in) or that the property may be adjacent to and affected by-this is what I, the Trust and therefore our owners are opposed to.

The reasons for making my submission are (briefly describe the reasons for your views:

The proposal:

There has been no consultation whatsoever. Although the application may fast track matters it is at the very least disrespectful not to take any steps to consult kanohi ki te kanohi.

It is unclear whether the trail runs through our land. If it does then we oppose the trail. We will not consent.

If the trail runs through adjacent land we oppose the trail.

We are concerned people using the trail will create damage to our land and/or adjacent land.

We do not want people defecating on our land. We don't want people littering on our land. We do not want people causing adjacent land to be polluted and for that pollution to enter onto our land.

Our land has waahi tapu on it (a Pa site and urupa), we do not want those sites desecrated by the trail and the proposed activities on the trail.

It is unclear whether our direct beach access will be affected by trail. this is serious concern for us. It is also important to us that any such severance of our land (even for a trail) is injurious to our land.

These are Te Whanau A Apanui lands. We have steadfastly maintained our tino rangatiratanga and see this trail as an invasion into our space. A proposal such as this trail cannot be considered without the involvement of all hapu.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

I want a rejection of the consent application in its entirety.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
--	-----

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

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
---	----

I confirm that all the above details are correct	True
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Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

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### LODGING INFORMATION

Reference Number	RCS250212140
Submitted on	2025-02-07T16:49:23.0237541+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Te Kani	Peace
	Surname	First Name
7 Old Farm Road, Hamilton East, Hamilton 3216		
Address		
0275222401		
Mobile	Other phone	
aiorangi@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

I oppose the all parts of the application.

The reasons for making my submission are (briefly describe the reasons for your views:

On behalf of Ahikouka A6B this trail will go right through the middle of our property and follows the Wairoa awa.

This will impact our farming operation and this is our core business. This will also impact our environment as the trail follows the Wairoa awa.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	No
--	----

Would you consider presenting a joint case with others who have made a similar submission?	No
--	----

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
---	----

I confirm that all the above details are correct	True
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Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

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### LODGING INFORMATION

Reference Number	RCS250212151
Submitted on	2025-02-07T16:55:55.2863399+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Whangapirita	Janine
	Surname	First Name
22 Manutahi Drive, Ruatoria 4032		
Address		
022 3758258	64	
Mobile	Other phone	
2paroamaiden@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

Clearly state which parts of the application you support or oppose or wish to have amended:
I oppose the entire application for resource consent to construct a trail within Te Tairāwhiti Ngāti Porou/ Te Papatipu o Uepohatu
The reasons for making my submission are (briefly describe the reasons for your views):
<ol style="list-style-type: none"> <li>1. Lack of consultation with the whānau, hapū prior to sourcing funds to construct the trail</li> <li>2. The NEED &amp; Priority is our people first n foremost</li> <li>3. Ehara tenei ngā wawata o ngā mokopuna</li> <li>4. He kaupapa kōhi moni te take</li> <li>5. Great whakaaro, but the timing is not right</li> </ol>
I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

3. Please indicate:	
I wish to speak at the Hearing in support of my submission	No
Would you consider presenting a joint case with others who have made a similar submission?	No

4. Confirmation	
Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

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### LODGING INFORMATION

Reference Number	RCS250212152
Submitted on	2025-02-07T16:56:01.57283+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Papuni	April
	Surname	First Name
212 Maraehara Road, RD 1, Tikitiki 4087		
Address		
0223816976		
Mobile		Other phone
aprilpapuni@xtra.co.nz		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

â€¢ Illegal Aspects of the TAT Resource Consent Application

â€¢ Breach of the Resource Management Act (RMA)

â€¢ Violation of Funding concerns of Consultation and Treaty Obligations:

The reasons for making my submission are (briefly describe the reasons for your views):

â€¢ Illegal Aspects of the TAT Resource Consent Application

The application for resource consent by Te Ara Tipuna (TAT) raises several significant legal concerns that may render it illegal under current statutes and principles:

â€¢ Breach of the Resource Management Act (RMA):

The RMA mandates that all decisions must be made fairly, objectively, and in the public interest. In the case of TAT, there is evidence suggesting that key decision-making processes did not adhere to these requirements. The application appears to have advanced without securing the necessary resource consent, thus potentially bypassing mandatory environmental assessments and the required consultation process.

â€¢ Violation of Consultation and Treaty Obligations:

The application process failed to secure the full, informed consent of affected Māori landowners. The lack of genuine and meaningful consultation undermines the principles of partnership, participation, and protection as guaranteed by the Treaty of Waitangi. Decisions that affect Māori land, especially those involving culturally significant sites (wāhi tapu, urupā, and taonga), must involve robust engagement with the legal owners and local hapū. The failure to do so constitutes a breach of both Treaty obligations and statutory consultation requirements under the RMA.

â€¢ Funding concerns

â€¢ Inappropriate Reliance on Adaptive Approaches in High-Risk Zones:

The application suggests an adaptive management approach to mitigating coastal hazards. However, given the rapidly evolving nature of climate change impacts—such as increased coastal erosion, sea level rise, and extreme weather events—this approach does not adequately address the inherent risks. Relying on such a strategy without robust, precautionary planning in high-risk coastal zones is both legally and practically insufficient, potentially placing lives, property, and culturally significant lands at unacceptable risk.

â€¢ Conclusion:

In light of the above points, the TAT resource consent application is fundamentally flawed on legal grounds. The failure to comply with the RMA's requirements for fair, objective decision-making and robust consultation, renders the application illegal. Consequently, the application should be declined to ensure adherence to legal and Treaty obligations and to protect the rights and safety of Māori landowners and the broader community.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

Not approve the Application.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission

No

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

4. Confirmation	
Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

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### LODGING INFORMATION

Reference Number	RCS250212160
Submitted on	2025-02-07T17:00:47.522383+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Tanirau-Wickliffe	Te Ataakura
	Surname	First Name
212 Maraehara Road, RD 1, Tikitiki 4087		
Address		
Mobile	Other phone	
tw.teataa@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	



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

I have concerns about the development of Te Ara Tipuna, particularly the proposed route through our whenua in Te Tairāwhiti. While I acknowledge the kaupapa behind the project, I feel that our communities, whānau, and iwi need to be more involved in the decision-making process. Additionally, our region currently lacks the necessary infrastructure and facilities to accommodate the expected increase in visitors. I believe more time and consultation are needed to ensure this project aligns with the needs and aspirations of mana whenua. Until these concerns are properly addressed, I cannot support the application in its current form.

The reasons for making my submission are (briefly describe the reasons for your views):

I have concerns about the Te Ara Tipuna project, particularly the impact of increased visitor traffic through our whenua in Te Tairāwhiti. While I acknowledge the kaupapa and its intentions, I feel that now may not be the right time for its introduction. Our region currently lacks the necessary infrastructure and facilities to support a significant increase in visitors, which could place added pressure on local resources and communities.

Additionally, I believe that more meaningful consultation with whānau and iwi is needed. It is important that mana whenua are fully heard and involved in the decision-making process to ensure that any development aligns with the aspirations and needs of our people. Until these concerns are properly addressed, I am unable to support this application in its current form.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

I respectfully request that the Gisborne District Council pause or delay this project to allow for further engagement with iwi and local whānau. I also urge the Council to ensure that the necessary infrastructure planning is in place before any further steps are taken, so that any future development is sustainable and beneficial for both visitors and local communities.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	No
--	----

Would you consider presenting a joint case with others who have made a similar submission?	No
--	----

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
---	----

I confirm that all the above details are correct	True
--	------

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

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### LODGING INFORMATION

Reference Number	RCS250212163
Submitted on	2025-02-07T17:02:49.1428359+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Mitchel	Jane
	Surname	First Name
5 Rangitukia Road, RD 1, Tikitiki 4087		
Address		
022 1544415		
Mobile		Other phone
Margko68@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

The reasons for making my submission are (briefly describe the reasons for your views:

#### Objection to the Te Ara Tipuna Trail Construction\*\*

I/We submit this objection to the proposed construction of the Te Ara Tipuna Trail, a 500km walking trail from Gisborne to Ōpāpā tiki.

#### \*\*Concerns\*\*

- \*\*Economic Context\*\*:** We live in an economically depressed area. Basic necessities, such as running water, sewerage, and improved health facilities, should be prioritized. Our healthcare system is inadequate; for instance, the waitlist for a knee replacement is three years.
- \*\*Land Rights and Treaty of Waitangi\*\*:** The trail crosses private Māori land, raising serious concerns about infringing on land rights and the Treaty of Waitangi principles. Genuine consultation with landowners, iwi, and hapū is essential. The term "Tipuna" is misused in this context; our Tipuna would never agree to the crossing of private or tapu land without proper consent and respect for their values.
- \*\*Environmental Impacts\*\*:**
  - **\*\*Erosion and Sedimentation\*\*:** Construction will worsen erosion and harm water quality.
  - **\*\*Habitat Fragmentation\*\*:** The trail will disrupt wildlife habitats and endanger native species.
  - **\*\*Impact on Native Flora and Fauna\*\*:** Native plants and animals may be disturbed or displaced.
- \*\*Social and Economic Impacts\*\*:**
  - **\*\*Inadequate Infrastructure\*\*:** The region lacks the necessary tourist facilities to support the trail.
  - **\*\*Impact on Tourism\*\*:** Without infrastructure, the trail may not bring significant economic benefits. How many people do we realistically expect to walk 500 km? That's equivalent to walking from Gisborne to Wellington, through unattractive and monotonous scenery. Will modern Instagram users care beyond a quick photo before moving on? Successful trails like the Camino de Santiago attract tourists due to their cultural significance and vibrant communities along the route—something we currently lack.
- \*\*Aesthetic Concerns\*\*:** The area is marred by economically poor, dilapidated-looking shops, hotels, and homes, with car wrecks littering the countryside. These unattractive features detract from any potential appeal and highlight the need for significant improvements to our local infrastructure.
- \*\*Cultural and Heritage Impacts\*\*:** The trail could affect significant cultural sites and burial grounds.
- \*\*Roading Infrastructure\*\*:** We have the worst roads in New Zealand. The council has neglected to fix our roads and drainage systems, leading to severe issues. Flooding and road closures are well-known occurrences after even light rain, making it senseless to build a trail in eroding, flood-prone terrain. Building on such terrain will obviously carry exorbitant costs. Additionally, the lack of proper sewage management and ongoing road maintenance further complicates the situation. Many roadside drains run off into our paddocks, flooding our farmland. Prioritizing the improvement and maintenance of our roads and sewage systems should be a key focus.
- \*\*Exorbitant Costs\*\*:** The costs of building and maintaining a 500km trail in challenging terrain are likely to be high. As for investors—who is privately interested in this project? I would be surprised if anyone would

invest, especially when we can compare it to the successful tracks in the South Island that attract a substantial number of tourists.

9. **\*\*Alternative Solution\*\***: Instead of the proposed trail, we should focus on promoting existing tourist attractions, such as the lighthouse in Te Araroa, Mount Hikurangi (the first place to see the sun in New Zealand), adventure activities, horse trekking, and cultural experiences. These initiatives could drive job opportunities and economic growth in our area.

Nga mihi

Jane Mitchell

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

--

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	No
Would you consider presenting a joint case with others who have made a similar submission?	No

### 4. Confirmation

Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True

Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

All information provided in your submission is available to the public (on request).

Submissions must be lodged before **5pm Friday 7 February 2025**.

You can email your submission to: [notifiedRC@gdc.govt.nz](mailto:notifiedRC@gdc.govt.nz)

The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212177
Submitted on	2025-02-07T17:11:02.6184998+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Warmenhoven	Tui
	Surname	First Name
12 Mangakino Street, Ruatoria 4032		
Address		
021 413 508	06 8648979	
Mobile	Other phone	
tuiaroha@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

I oppose the application on the grounds that Te Ara Tipuna Trust does not have the authority or mandate to act or represent on behalf of Ahikouka Blocks A1 and A2B3B. Nor does the Trust have the authority or mandate to act or represent on behalf on Ngati Rangi hapu.

Ngati Rangi hapu groups and landowner groups and marae have the capability (but not the resources) to "conduct, operate and maintain" ie we do not require others to speak or act on our behalf unless expressly agreed with those others any activity that takes place on our lands for the wellbeing and benefit of our land and our hapu.

The reasons for making my submission are (briefly describe the reasons for your views:

Free, Prior and Informed Consent

1. We, myself, whanau, land blocks (named below), marae (for whom I am a Trustee and Chairperson (namely Taumata o Mihi Marae), hapu (Rauru a Toi - Umuariki - Ngati Rangi hapu):

Have not had the luxury of, or been afforded the resources to facilitate meetings, Wananga and workshops to discuss the proposal TAT in the spirit of free, prior and informed consent. Conversely, TAT have resourced themselves to carry out their own mission without our collective input and then conducted meetings according to their own agenda and timeframes with and without us. This is not engagement or consultation pursuant to the RMA 1991. This does not represent the intent and purpose of establishing Nga Rohe Moana o Nga Hapu o Ngati Porou Trusts. The TAT process to date does not take into account the statutes, common law, existing customary rights and authority and various post settlement instruments (namely the Ngati Porou Waiapu Accord Waiapu Koka Huhua and Joint Management Agreement) which cumulatively recognise the mana of Nga Hapu o Ngati Porou pursuant to Te Tiriti o Waitangi and prior to Te Tiriti o Waitangi.

2. We have not been consulted as Maori landblock landowners or committee members or as hapu or marae committees (some of us have received information packs)

3. We have Marae Trusts (Reporua Marae, Umuariki Marae and Taumata o Mihi Marae) and a Nga Rohe Moana Trust (Te Papatipu o Uepohatu me Te Ngaere Trust) and a hapu collective trust (Te Papatipu o Uepohatu Trust TPOUT). I am a Trustee on all Trusts except Reporua Marae and we have not been consulted or engaged as trustees of these legal entities.

Cultural Impacts Assessment pursuant to RMA 1991 and various Crown Ngati Porou Post Settlement Agreements

4. We the whanau hapu of aforementioned entities have not been afforded the due process of carrying out a CULTURAL IMPACTS ASSESSMENT in relation to the resource consent application therefore I cannot categorically state or even consider (beyond my own opinion or expert knowledge) what the impacts of the proposed activity will be.

4a. Pursuant to the RMA 1991, a Cultural Impacts Assessment is a process that we as hapu (Ngati Rangi, Te Whanau a Umuariki and Rauru a Toi as three distinct hapu) are entitled to carry out as we deem fit according to our needs, concerns and tikanga.

4b. The CIA is a work programme that must be undertaken BEFORE a resource consent is applied for where the area concerned is the subject of customary and maori land titles.

Conflicts of Interest

5. I am aware of conflicts of interest that I will not go into detail with here but they clearly exist and are a serious concern to whanau members and marae/hapu trustees. The nature of the concern is that these conflicts are tactical and unethical at best and result in a growing perception and belief that certain people in representative positions are untrustworthy, unscrupulous and self serving. This is an issue that might be addressed if the TAT was elected by the whanau, hapu, marae rather than by the individuals themselves. After all, the geographic area that is subject to the RC is mainly comprised of Maori land, customary lands under the authority of hapu and the Crown or its representatives.

Mana Whenua, Mana Tangata, Mana Tiaki

6. TAT membership is not representative of the geographic region it proposes to cover. Our hapu Rauru-a-Toi and Ngati Rangī would like to speak for ourselves and make decision according to our own timeframes/process/tikanga.

Previous Representation

7. I have stated before, as a representative Director for Rohenga Tipuna 4 of TRONPNUI (Te Onepoto ki Rahuimanuka) that I do not and will not agree to TAT without the express free, prior and informed consent of my whanau and hapu whom I represent and have represented not just as a TRONPNUI Director but as a marae Trustee (Umuariki and Taumata o Mihi Maraes) which I do not have at this point in time.

8. Having said that, as a Ngati Porou representative governor for the Raukumara Pae Maunga project we as ad hoc Board have agreed in principal to the previous phase of TAT with conditions. One express verbal condition I made was that I wanted a transition from the current TAT structure to hapu and land collective governance and operations. Hence I am opposed to the current composition and structure of TAT.

Landblock Representation

9. I am a Trustee of five land blocks. Ohinepoutea B, Ahikouka A1, Ahikouka A3B2B, Tikapa A11 and Tikapa B1. I oppose on the basis that we have not been resourced to meet and carry out due process to make a robust decision on behalf of not only our whenua but our shareholders. Therefore I have no mandate to support the current RC.

Inadequate Notification

10. I received indirect notification of this RC submission and deadline from my whanaunga and fellow trustee James Milner who was sent my copy of the notification to pass on to me. He lives in Turanga and I live in Ruatoria. Surely, I can be sent a copy to my address. After all I am listed in the white pages? My phone number is on the internet as is my email address. James sent me the copy via facebook Messenger and I attach it as evidence. This is not notification.

Conclusion

11. I am opposed to the TAT assuming authority to:

“construct, operate and maintain”

Whanau, hapu and land blocks are quite capable of taking authority over their own lands and customary resources and that’s what Ngati Porou has worked toward for decades. So the current proposal begs the question: Why now would we relinquish our “mana Whenua mana tiaki and mana tangata” as whanau and hapu to others?

12. Whanau hapu and landowners wish to speak for ourselves and act for ourselves. We ought to have that right and authority and be resourced accordingly if we are to go to the next stage.

13. This submission is by no means comprehensive and thorough. The GDC ought to rule that a staged, inclusive and resourced process is carried out by hapu and landowners by us and for us.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

Namely the following:

Order that CIAS are resourced and undertaken by each hapu and landblock as collectives and that these be resourced from the public funds and iwi funds that TAT currently governs.

That the Governance of TAT is mooted and representative of hapu and land blocks and is by election through rohenga tipuna

The free, prior and informed consent is undertaken with beneficiaries of marae, hapu and land blocks within the area of the RC application

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
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Would you consider presenting a joint case with others who have made a similar submission?	Yes
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### 4. Confirmation

Are you submitting this form on behalf of another person?	No
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I confirm that all the above details are correct	True
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Submission on

## Te Ara Tipuna Trail Application

Form 13

Under Section 96 of the Resource Management Act 1991.

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The Resource Management Act 1991 requires a copy of your submission must be sent to the applicant. For this Resource Consent application, the Gisborne District Council Resource Coordination team will do this for you.

### LODGING INFORMATION

Reference Number	RCS250212221
Submitted on	2025-02-07T18:03:13.9028606+13:00

### 1. PERSON MAKING SUBMISSION

Name in full	Kaiwai	Arihia
	Surname	First Name
12 Walker road, Ruatoria, Ruatoria 4032		
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0210445013	0211774313	
Mobile	Other phone	
arihiakaiwai46@gmail.com		
Email address		

### 2. SUBMISSION ON

Application Number	Gisborne District Council: LU-2023-112074-00; DL-2023-112075-00; LR-2023-112076-00; LL-2023-112077-00; LV-2023-112078-00 Bay of Plenty Regional Council: RM23-0508-AP Ōpōtiki District Council: RC2024-04	
Name of Applicant	Te Ara Tipuna Trail Charitable Trust	
Type of Resource Consent applied for	Land Use, Discharge to Land, Land Use - Lake/Riverbed, Land Disturbance, Land Use - Vegetation Clearance	
Brief description of proposed activity	Construction & use of a shared trail from Makorori (in the South) round to Opotiki (in the North of the East Coast)	
Position on application	oppose	

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

Formal Objection to Resource Consent Application LU-2020-112074 by Te Ara Tipuna Charitable Trust entering Tuparoa.

The reasons for making my submission are (briefly describe the reasons for your views):

Our objection is based on the following key points:

#### 1. Legal Rights of the Applicant

We contend that Te Ara Tipuna Charitable Trust, as non-owners of our whenua Rahui A13, does not have the legal right to submit a resource consent application to construct, operate, and maintain a recreational pathway on our land without consulting us and obtaining our consent.

Under New Zealand law, the ability for a non-owner to apply for resource consent to build on Māori land is subject to specific legal requirements, primarily governed by the Resource Management Act 1991 (RMA) and Te Ture Whenua Māori Act 1993.

#### Authority to Apply

A non-owner cannot legally apply for resource consent for a project on Māori land without the explicit approval or authorization of the landowners or governing trustees. Any proposed development must have the consent of those with decision-making authority over the land.

#### Right to Object

As landowners and beneficial owners of Rahui A13, we are exercising our legal rights under the RMA and Te Ture Whenua Maori Act 1993 to declare this application invalid. We as hapu of Umuariki Marae assert that this application is unlawful as we were not consulted, nor did we grant consent for this project. Our decision-making authority over our whenua has been disregarded, as we suspect is the case for many other landowners affected by this project.

While we recognize that legal redress is available to us, this is an unnecessary and unfair burden given that the RMA is designed to protect landowners and ensure their sovereignty (tino rangatiratanga) over their whenua.

The RMA clearly emphasizes the need for consultation with affected parties, including Māori landowners, in matters involving Māori land. The failure to appropriately consult us as landowners, in matters involving Māori Land. The failure to appropriately consult us as landowners undermines the integrity of this application and exposes it to legal challenge.

I wish the Commissioner Panel to make the following decision (give details, including the nature of any conditions sought):

We request that this application be reconsidered and rejected on the grounds that it fails to meet the legal and consultation requirements outlined above. As Rahui A13, Umuariki Marae, Tuparoa, our committee does not support this trial coming through Tuparoa and support all submissions from our Tuparoa whanau.

### 3. Please indicate:

I wish to speak at the Hearing in support of my submission	Yes
Would you consider presenting a joint case with others who have made a similar submission?	Yes

Subject: Formal Objection to Resource Consent Application LU-2023-112074 by Te Ara Tipuna Charitable Trust

We, the Trustees of Umuariki Marae Tuparoa are writing to formally object to the above-mentioned resource consent application submitted by Te Ara Tipuna Charitable Trust (LU-2020-112074) to construct, operate, and maintain a recreational pathway, 'Te Ara Tipuna,' around Tairāwhiti from Gisborne to Ōpōtiki, specifically for our whanau and hapu members (shareholders to the whenua) from and living in Tuparoa. Our objection is based on the following key points:

### **1. Legal Rights of the Applicant**

We contend that Te Ara Tipuna Charitable Trust, as non-owners of our whenua Rahui A13., and all our whanau/hapu freehold Maoriland in Tuparoa, does not have the legal right to submit a resource consent application to construct, operate, and maintain a recreational pathway on our land without consulting us and obtaining our consent.

Under New Zealand law, the ability for a non-owner to apply for resource consent to build on Māori land is subject to specific legal requirements, primarily governed by the Resource Management Act 1991 (RMA) and Te Ture Whenua Māori Act 1993.

#### **Authority to Apply**

A non-owner cannot legally apply for resource consent for a project on Māori land without the explicit approval or authorization of the landowners or governing trustees. Any proposed development must have the consent of those with decision-making authority over the land. Our Maori Freehold land also included, it is NOT unwanted, unused, abandoned whenua!!!!

#### **Right to Object**

As landowners and beneficial owners of Rahui A13 (Umuariki Marae) and all Umuariki hapu shareholders in Tuparoa, we are exercising our legal rights under the RMA and Te Ture Whenua Māori Act 1993 to declare this application invalid. We assert that this application is unlawful as we were not consulted, nor did we grant consent for this project. Our decision-making authority over our whenua has been disregarded, as we suspect is the case for many other landowners affected by this project.

While we recognize that legal redress is available to us, this is an unnecessary and unfair burden given that the RMA is designed to protect landowners and ensure their sovereignty (tino rangatiratanga) over their whenua.

The RMA clearly emphasizes the need for consultation with affected parties, including Māori landowners, in matters involving Māori land. The failure to appropriately consult us as landowners undermines the integrity of this application and exposes it to legal challenge.

We request that this application be reconsidered and rejected on the grounds that it fails to meet the legal and consultation requirements outlined above. We support all submissions from Marae, whanau and all our hapu freehold Maoriland within Tuparoa.

Nga Mihi Arihia Kaiwai

Chair Umuariki Marae, Tuparoa

Florence McClutchie

Vice Chair Umuariki Marae, Tuparoa



#### 4. Confirmation

Are you submitting this form on behalf of another person?	No
I confirm that all the above details are correct	True