



Hastings District Council

Civic Administration Building
Lyndon Road East, Hastings

Phone: (06) 871 5000

Fax: (06) 871 5100

DOCUMENT 2

Craggy Range Track Remediation – Submissions 1 - 27

COMMISSIONER HEARING

Meeting Date: **Tuesday, 11 June 2019**

Time: **9.00am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

ITEM	SUBJECT	PAGE
2.	CRAGGY RANGE TRACK REMEDIATION HEARING	
	<u>Document 2</u> Containing these attachments	
	Submission #1 - Environmental Defence	Pg 1
	Submission #2 - Warwick Marshall	Pg 3
	Submission #3 - Rosemary Cunningham	Pg 5
	Submission #4 - Kenneth Charles Miller	Pg 7
	Submission #5 - Ngati Mihiroa	Pg 9
	Submission #6 - Helen Teresa Barlow	Pg 11
	Submission #7 - Stuart Colin Perry - see submission #9	Pg 13
	Submission #8 - Ike Wallace	Pg 15
	Submission #9 - Stuart Colin Perry	Pg 19

Submission #10 - Robert Earnest Parsons MacDonald	Pg 23
Submission #11 - Alexandra Bartlett	Pg 27
Submission #12 - John James McKeefry	Pg 31
Submission #13 - Paddy Maloney and Anne Maloney	Pg 33
Submission #14 - Sonya Rahira Walsh and Brendon Hugh Doyle	Pg 37
Submission #15 - Christine Nepata Kidwell	Pg 41
Submission #16 - Jacqueline Elizabeth Chambers and Pounamu Tipiwai-Chambers	Pg 45
Submission #17 - Fiona Hosford	Pg 49
Submission #18 - Ngati Kahungunu Iwi	Pg 53
Submission #19 - Waimarama Maori Committee	Pg 61
Submission #20 - Margaret Adele Kahuirangi Mohi McGoverin	Pg 65
Submission #21 - Rose Mohi	Pg 69
Submission #22 - Brian (Bruno) John Chambers	Pg 79
Submission #23 - Christopher Malcolm Coop and Dale Coop	Pg 83
Submission #24 - Te Taiwhenua o Heretaunga Trust	Pg 87
Submission #25 - Te Mata Peak Peoples Track Society Inc	Pg 93
Submission #26 - Renata Tomoana (Waipatu Marae Committee)	Pg 99
Submission #27 - Te Mata Park Trust Board	Pg 103

**SUBMISSION ON APPLICATION FOR RESOURCE CONSENT NO: RMA20190006****SUBMITTER DETAILS**

FULL NAME: Environmental Defence Society Incorporated (EDS)
CONTACT: Cordelia Woodhouse
ADDRESS FOR SERVICE: PO Box 91736, Victoria Street West, Auckland 1042

TELEPHONE: 09 392 2972
EMAIL: cordelia@eds.org.nz
DATE: 21 February 2019

APPLICATION DETAILS

APPLICATION NUMBER: RMA20190006
APPLICANT NAME: Hastings District Council
APPLICATION SITE: Waimarama Road, Havelock North
DESCRIPTION OF PROPOSAL: Undertake earthworks required to remove the remaining sections of Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture

EDS POSITION**RELIEF:**

- 1 EDS seeks that the Hasting District Council's application for resource consent to undertake earthworks to remove the Te Mata Peak track is granted in its entirety.

SUBMISSION:

- 2 EDS first became aware of the issues with the Te Mata Peak track after resource consent had been granted and the track was already constructed. At that point EDS filed judicial review proceedings on the basis that the Council erred in law by allowing the consent to be granted on a non-notified basis, and that it failed to consider the significant cultural and landscape

effects of the track. These proceedings were formally withdrawn following a Council resolution to remove the track.

- 3 Te Mata Peak is considered an outstanding natural landscape, a matter of national significance under s 6(b) RMA. Te Mata Peak is also a site of regional significance - the protection of its landscape qualities is afforded the "highest protection" in the Proposed District Plan (Policy LSP2 and explanation). The track, which zig-zags down the natural contour of the eastern face of Te Mata, is visually prominent and conflicts with the perceptual and associative values that classify Te Mata as an outstanding natural landscape. It is considered that these adverse landscape effects were not adequately assessed before its construction and as a result the track is contrary to both s 6(b) RMA and Policy LSP2.
- 4 Te Mata Peak is also a site of cultural significance to tangata whenua, wāhi tapu and wāhi taonga, a matter of national significance under s 6(e) RMA. The cultural significance of Te Mata Peak is explained in an affidavit provided by Mr Robert MacDonald on behalf of the Trustees of Waimārama Māori Committee and Marae.
 - a. Te Mata is both an ancestor (representing the body of chief Rongokako) and a taonga.
 - b. It is part of the living cultural landscape and watches over the Waimārama domain.
 - c. The harm caused to Te Mata by the consented track is harm caused to, and felt by, the Waimārama Māori community. It is deeply offensive and hurtful – being likened to the distressed whakahaehae ritual (the slashing of the body in a zig zag shape in Maori legend).
- 5 The removal of the track will restore the adverse landscape effects and the mauri and cultural values associated with Te Mata and will ensure the naturalness, coherence and intactness of Te Mata Peak as a mapped outstanding natural landscape.
- 6 On this basis, EDS support the Te Mata Peak track being removed and reinstatement of the land to pasture.

HEARING:

- 7 EDS does not wish to be heard in support of its submission.
- 8 If others make a similar submission EDS will consider presenting a joint case at hearing.
- 9 A copy of this submission has been served on the applicant.

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#2

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 4th 2019, 8:42:38 am

*** Full Name of Submitter(s):**

Warwick Marshall

*** 1. The specific parts of the application that my submission relates to are:**

The removal of the existing track and the attempt to restore the ground to its original state.

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I oppose the removal of the existing track and the proposed reinstatement to original condition.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

I seek to have the application declined.

I also seek to have the application amended to allow the track to be completed as originally proposed then follow up with on-going planting of appropriate vegetation with the view to restore that part of the hill-side to what it may have been.

*** 4**

I wish to be heard in support of my submission, or

*** 5**

I DO NOT wish to present a joint case

*** Email**

wmmarshall@xtra.co.nz

4/18/2019

Wufoo - Entry Detail

*** Postal address for service of submitter: (If an organisation, include contact person)**

77 Eskdale Drive
R D 2
Napier
4182
New Zealand

Contact person

Warwick Marshall

*** Phone Number**

06 836 6139

Item 2

Attachment 2

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#3

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 4th 2019, 1:58:36 pm

*** Full Name of Submitter(s):**

Rosemary Cunningham Wood

*** 1. The specific parts of the application that my submission relates to are:**

Totally against the removal of the Craggy Range Track

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

Our Peak is to be proud of. We have a road on one side, and how wonderful it was to see the initiative of a track on the other side, such a joy to see it enjoyed by many. Please reinstate this wonderful attraction of the Craggy Range Track. I am totally against its removal. Why should a minority spoil such a great attraction for the region? It does not spoil the environment in any way. We should be encouraging our local kids to walk it to keep fit and see it as a challenge. The Peak is unique to us and we are proud of it not only to look at but to walk.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

Decline the removal application

*** 4**

I DO NOT wish to be heard in support of my submission

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

*** Email**

woodsie_nz@yahoo.com

4/18/2019

Wufoo - Entry Detail

*** Postal address for service of submitter: (If an organisation, include contact person)**

PO Box 8067
Havelock North
Hastings
Hawkes Bay
4157
New Zealand

Contact person

Rose Wood

*** Phone Number**

0272717201

Item 2

Attachment 3

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#4

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 7th 2019, 8:05:06 am

* Full Name of Submitter(s):

KENNETH CHARLES MILLER

* 1. The specific parts of the application that my submission relates to are:

Earthworks to reinstate the land to cover to pasture

* 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.

I support the HDC submission to reinstate the land as Te Mata peak is our only important land mark

* I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)

That the HDC reinstate the land to its original state

* 4

I DO NOT wish to be heard in support of my submission

* 5

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

* Email

ken.miller@xtra.co.nz

* Postal address for service of submitter: (If an organisation, include contact person)

510 Craggy Range rd

540 Craggy Range rd

Havelock North

Hawkes Bay

4294

New Zealand

4/18/2019

Wufoo - Entry Detail

Contact person

Ken Miller

* Phone Number

68747722

Item 2

Attachment 4

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#5

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 13th 2019, 12:56:04 am

*** Full Name of Submitter(s):**

Ngati Miihroa

*** 1. The specific parts of the application that my submission relates to are:**

Refer to paras 10.2 section 6 Matters of National Importance, sub section "(e) the relationship of Maori and their culture and traditions with their lands, water, sites, waahi tapu and other taonga.

Also see para 10.3 section 7 other matters (c) and (f) (c) maintenance and enhancement of amenity values (f) maintenance and enhancement of the quality of the environment. Also See para 10.4 section 8 Treaty of Waitangi "all persons ...to take into account the principles of the Treaty of Waitangi
Also see Boffa Miskell Recommendations and Conclusion.

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I support the application because of Sections 6 (b) and (e) and 7 (c) and (f) of the RMA. Also support because of Section 7 (c) and (f) and also Section 8 of the RMA, being the Treaty of Waitangi obligations.
I agree with the planned mitigation and that the temporary adverse effects are less than minor.
I agree and support the application work being done according to the application.
I also support the Boffa Miskell recommendations and conclusion on pg 72 of the application.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

I wish the application to be granted in full.
The conditions as proposed by the applicant are supported

*** 4**

I DO NOT wish to be heard in support of my submission

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

4/18/2019

Wufoo - Entry Detail

*** Email**

taupaki@gmail.com

*** Postal address for service of submitter: (If an organisation, include contact person)**

56 Tasman Street Havelock North Hastings NZ 4130

56 Tasman Street

Havelock North

Hawke's Bay

4130

New Zealand

Contact person

Donna Keefe

*** Phone Number**

0277248305

Item 2

Attachment 5

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#6

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 13th 2019, 10:36:33 am

*** Full Name of Submitter(s):**

Helen Teresa Barlow

*** 1. The specific parts of the application that my submission relates to are:**

Yes I support the above. For so long as I have lived in Waimaarama over 40 years now I have known about Te mata Peak and its sacredness. To see it being excavated was hurting as it was everyday I watched it grow. Please put it back to its state. I have known these lands are sacred so let us not go and interfere with sacredness it can have unforeseen effects as we have seen the physical effects of protesting and many damaging articles in the media. Let us not tamper with that that is iconic also.

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

As I have explained above

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

Grant this application

*** 4**

I DO NOT wish to be heard in support of my submission

*** 5**

I DO NOT wish to present a joint case

*** Email**

helenbarlow12@xtra.co.nz

4/18/2019

Wufoo - Entry Detail

*** Postal address for service of submitter: (If an organisation, include contact person)**

2091 Waimaarama Road
2091 Waimaarama Road
Hastings
Hawke Bay
4294
New Zealand

Contact person

Helen Barlow

*** Phone Number**

06 8746 181

Item 2

Attachment 6

Placeholder for Attachment 7

ITEM 2/19 Craggy Range Track Remediation
Hearing.DOC

Submission #7 - Stuart Colin Perry - see submission #9

Item 2

Attachment 7

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#8

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 15th 2019, 9:37:58 am

*** Full Name of Submitter(s):**

Ike Wallace

*** 1. The specific parts of the application that my submission relates to are:**

Refer to paras 10.2 Section 6, Matters of National Importance, sub section "(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga."

Also see para 10.3 section 7 other matters (c) and (f) (c) maintenance and enhancement of amenity values (f) maintenance and enhancement of the quality of the environment.

Also See para 10.4 section 8 Treaty of Waitangi "all persons ...to take into account the principles of the Treaty of Waitangi"

Also see Boffa Miskell Recommendations and Conclusion.

4/18/2019

Wufoo - Entry Detail

Item 2

Attachment 8

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I support the application because of Sections 6 (b) and (e) and 7 (c) and (f) of the RMA.
Also support because of Section 7 (c) and (f) and also Section 8 of the RMA, being the Treaty of Waitangi obligations.

I agree with the planned mitigation and that the temporary adverse effects are less than minor.

I agree and support the application work being done according to the application.

I also support the Boffa Miskell recommendations and conclusion on pg 72 of the application.

My views are:

As a young 25 year old Māori, it is extremely disappointing that we as Māori are still having to fight and prove our worth, stories, beliefs and world view. I grew up in the South Island before returning home to Waimārama three years ago, and I can assure you that I realised very quickly the kind of reverence and respect that was given to the old man (Te Matā). It is also worth noting that my great uncle Robert was very quick to remind me that he was our tīpuna and so we must treat him with the respect and dignity that he deserved.

It seemed as though the track was completed very quickly – before we knew it, it was done! I remember vividly the unsettling wairua of the kaumatua and could see the pain they were going through. We are a people that believe in mauri and that everything has a life force, from our carved totems, ancestors portraits, stones, whēnua and we live and feel their mauri or wairua. We of course have to see the track daily as we travel in and out of town. The divisiveness this track has caused within the community highlighted an unfortunate undercurrent within our community at large. The extreme bigotry that our people faced over this issue is unacceptable.

An example of this was one lady who clearly held a different point of view than I and stated that she 'thought it was ridiculous that I could possibly believe in that fairy tale that he was a giant or an ancestor – it's simply a mountain', to which my response was simply 'yet, you don't see me questioning your Christian beliefs because one could argue the same about Moses speaking to God in the form of a burning bush'. I am not about to dismiss anybody who holds different beliefs to me, however, no longer will I tolerate the disdain we face as a people because of our culture, belief systems, history, and mythology. As a direct descendant of Harawira Te Tātē Mahikai, a man who in 1840 signed the Treaty of Waitangi alongside the fellow Rangatira of the day, I am sure he would be extremely disappointed with how we are still fighting and struggling to maintain our Māori world view. He himself spent the last 10 years of his life battling the wiliness of the 'new order' in the Māori Land Court – Te Kooti Tāhāe.

A note is that Te Matā is not simply where the Craggy Range Track has been carved, but the whole peak in its entirety is significant to our people right down to Kahuranaki. If the HDC is not granted consent to remediate the track, I fear the precedence that might be set for the eastern face. It would be a grave failure on our part to see the mana of Te Matā trampled even further and have the eastern face mimic the other side with all of its houses, tracks, road etc. The mana that has been recognised by the Crown for te awa o Wanganui and Taranaki Maunga are examples of just how our society is growing understanding and building true bi-cultural understanding between Treaty Partners. I realise that this is not the issue at hand, however, I believe it is the lack of understanding and respect for our beliefs, views and opinions in general that have caused this division. The Craggy Range Track should never have been granted consent in the first place.

I support the application by the Hastings District Council to remediate the track in its entirety and look forward to the day when the scars that have wounded both our tīpuna Te Matā and community can heal.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

I wish the application to be granted in full.

The conditions as proposed by the applicant are supported

<https://app.wufoo.com/#/entry-manager/903/entries/8>

2/3

4/18/2019

Wufoo - Entry Detail

*** 4**

I DO NOT wish to be heard in support of my submission

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

*** Email**

ike.wallace3@gmail.com

*** Postal address for service of submitter: (If an organisation, include contact person)**

2118 waimarama road

RD 12

Waimarama

4217

New Zealand

Contact person

Ike Wallace

*** Phone Number**

021 057 0935

Item 2

Attachment 8

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#9

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 15th 2019, 9:48:15 am

*** Full Name of Submitter(s):**

Stuart Colin Perry

*** 1. The specific parts of the application that my submission relates to are:**

It is proposed to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the 'Craggy Range Track'), reinstate the original contours of the land, and restore the land cover to pasture

4/18/2019

Wufoo - Entry Detail

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

PLEASE NOTE, I NOTED AN ERROR IN MY SUBMISSION EMAILED 14/03/2019
THIS IS THE AMENDED VERSION

I am opposed to the granting of a Restricted Discretionary resource consent to the Hastings District Council for the removal of the Craggy Range Track.

I am opposed on a number of grounds.

The first is that this should not be the responsibility of the council – ipso facto the ratepayers of the district. The track was constructed by the Craggy Range Winery company with the consent of the land owner and as such, this consent application should be in the name of, and the responsibility of Craggy Range and/or the landowner.

In any instance where an unauthorised variation of the district regulations occurs, it is the responsibility of the persons who breached the regulations to rectify the situation.

The argument will no doubt be put that because the installation of the track was done after council planners gave approval, then the council is responsible to rectify the situation.

That leads me to the second point.

The council has breached its duty of care of performing its regulatory functions. Is this Restricted Discretionary resource consent reflecting a failure at council? Is anyone taking responsibility and if so, what steps have been put in place to ensure it does not happen again?

If, as it has been claimed, that the track breaches regulations in regard to 'outstanding natural features' and historical/archaeological significance, more earthworks on the Te Mata peak face will only exacerbate the 'damage' to the landscape.

If, the track must be closed – and that is the moot point – then close it and leave nature to take its course.

The so-called emergency work at the top of the track was carried out in December 2018 because the track was apparently subsiding and becoming dangerous. If that is the case, why not let the remainder subside at the hands of mother nature. If the track is closed, the track subsides, then this consent application and the remedial work will be unnecessary.

In spite of the council claiming in the report that the 'wider public' want it removed, the truth is that the wider public want it retained and therefore the resource consent is for activities that go against the wider public opinion. In the second paragraph of the executive summary of the Land Use Consent application, as part of the reasoning behind this proposal, Council refer to complaints from Iwi and the wider public about the appropriateness of the track. However, there is no reference to the wide support shown by the thousands who walked the 'unfinished' track and the 25,000 people who signed the online petition calling for the retention of the track.

So irrespective of the public support for the track, the council wishes to bend to a noisy minority and carry out remedial work to return the face of Te Mata Peak back to Pastoral land.

The consent application claims that local iwi consider it culturally offensive. 150 years of sheep physically defacing the landscape and defecating on the hillside must be far more offensive than people walking on the land and being at one with nature.

If the council, environmental groups and activists choose to ignore public opinion and carry out remedial work, then why not replant with native trees and return the landscape to its original state. Returning the eastern face of Te Mata Peak to its natural state would be a far better proposition than a hillside covered in sheep trails. Recreating pastureland is hardly a reason for seeking a Restricted Discretionary resource consent because all that is planned are earthworks, regrassing pasture grasses and letting nature takes its course.

I think it is time for the councillors to stand up against this management proposal, show their opposition and put their hands up – not in our pockets.

For the ratepayers of this district, in applying for the Restricted Discretionary resource consent, this council is incurring an obscene financial burden on us, and all because the resource consent process was not followed properly in the first instance and now the council is in damage control and using this process to cover its mistakes.

The residents and ratepayers rely on council through its 33-million-dollar staffing budget to employ expert staff to provide professional advice to applicants of Resource consents. They are our regulatory body who are employed to correctly and legally fulfil that function. I object to the approval of this Restricted Discretionary resource consent because it will load further financial impositions on the ratepayers solely because it appears that the professional advice was astray when the original Resource consent was approved by council officers.

Finally, the Restricted Discretionary resource consent is unnecessary, and the consent will lead to an unacceptable half million-dollar imposition on the ratepayers. It is in the best interests of all parties to leave the landscape as it currently stands. With the top section removed the track is now unusable, and with

<https://app.wufoo.com/#/entry-manager/903/entries/9>

2/3

Item 2

Attachment 9

4/18/2019

Wufoo - Entry Detail

adequate fencing at the bottom of the track (which should be installed by Craggy Range Winery and the Landowners,) preventing the public from entering the land, the Craggy Range Track will revert back to pasture within a few years.

Thank you
Stuart Perry

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

That the Restricted Discretionary resource consent be declined. If granted, then the full cost of the remedial work be the responsibility of Craggy Range Winery and/or the landowner.

*** 4**

I wish to be heard in support of my submission, or

*** 5**

I DO NOT wish to present a joint case

*** Email**

stujenperry@hotmail.com

*** Postal address for service of submitter: (If an organisation, include contact person)**

821 Crownthorpe Settlement Road
RD 9 Hastings
Hastings
Hawkes Bay
4179
New Zealand

Contact person

Stuart Perry

*** Phone Number**

068743898

Item 2

Attachment 9

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#10

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 15th 2019, 9:48:22 am

*** Full Name of Submitter(s):**

Robert Earnest Parsons Mac Donald

*** 1. The specific parts of the application that my submission relates to are:**

Refer to paras 10.2 Section 6, Matters of National Importance, sub section “(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.”

Also see para 10.3 section 7 other matters (c) and (f) (c) maintenance and enhancement of amenity values (f) maintenance and enhancement of the quality of the environment.

Also See para 10.4 section 8 Treaty of Waitangi “all persons ...to take into account the principles of the Treaty of Waitangi

Also see Boffa Miskell Recommendations and Conclusion.

4/18/2019

Wufoo - Entry Detail

Item 2

Attachment 10

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I support the application because of Sections 6 (b) and (e) and 7 (c) and (f) of the RMA.
Also support because of Section 7 (c) and (f) and also Section 8 of the RMA, being the Treaty of Waitangi obligations.

I agree with the planned mitigation and that the temporary adverse effects are less than minor.

I agree and support the application work being done according to the application.

I also support the Boffa Miskell recommendations and conclusion on pg 72 of the application.

My submission supports The Hastings District Council application to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

I am a resident of Waimārama. I have lived there for a major part of my seventy years. My schooling began at the Waimārama Native School that later became the Waimārama Māori School and has changed again to become Waimārama School.

For almost 40 years I was the chairman of the Waimārama Māori Committee. More recently I was mandated by this committee to represent their interests with regard to the Craggy Range Track. I understand that the Waimārama Māori Committee will be making a separate submission. I have no objection in having this submission added to theirs as a joint submission.

However, my submission is personal and may not necessarily reflect the view of the Waimārama Māori Committee.

My early childhood memories of Waimārama are of a vibrant interactive community. That would change. It all came apart with families having to move to the city to find work, be close to schools, health services etc. I was the first one in my family who attended High School in Hastings. All of my six older siblings having gone off to boarding school.

The one constant that glued us together was our culture or more importantly our cultural world view.

Our real world diminished to isolated land blocks that is if you were lucky enough to have an ancestor who resisted the land grab years. But, the cultural world view stayed the same. My mother often talked of the cultural estate extending all the way to the Ruahine Ranges. She had quite a different view of the Tukituki valley including the area known today as Te Mata Peak.

On drives to town she would often acknowledge Te Mataa or the 'old man'. We had no problem in accepting that Te Mataa was an actual person or that he was from Waimārama or that he is not even where everyone else says he is. She rubbished the idea that he was Rongokako. She cautioned about taking watercress from drains below the peak: we never did.

I sat in on an interview with my mother. The interviewer asked her quote 'how did the Tukituki river influence your life?' Her reply was classic Mum, 'When it flooded we couldn't get to town' But if you dug a little deeper you began to realise just how important the Tukituki valley was to her. She told of taniwha that lived there of how people disappeared there of how her old people would camp at the mouth when the whitebait were running.

These are just some of the things that have shaped my life and my attitude toward the East side of Te Mataa Peak and the Tukituki Valley.

In my view it was morally wrong to deny the people of Waimārama and others a chance to have their say before any consent was granted.

Rose Mohi and I received the mandate from our Waimārama Māori Committee to act on their behalf in this matter. We took it to the Pou Mataara group at the Taiwhenua of Heretaunga. I recall a subsequent meeting with Michael Wilding and others in the carpark of Craggy Range a day before Christmas 2017. The next day Craggy Range released a press release stating that after consultation with Tangata Whenua they were going to take out the track.

Five months later they changed their mind.

Our relationship with Craggy Range precedes this, back to before they became established here. We were ignored then too. They celebrated at Waimārama and we were not invited to be part of that either.

Over the years our committee has made numerous submissions to Regional Council, District Council and appeared at all sorts of Policy making hearings. We have employed legal Counsel and challenged decisions in the Environment Court. It is time consuming and costs money that we do not have or at the very least be

<https://app.wufoo.com/#/entry-manager/903/entries/10>

2/3

4/18/2019

Wufoo - Entry Detail

spent elsewhere. You are all well aware of the challenges that face our people.

Notwithstanding the moral aspects of this issue, 'we were denied our right to have a say before the consent was granted' it is personally sad to me to surmise that if it were not for the timely offer by the EDS lawyers and the threat of High Court Action we might never have reached this stage.

We continue to follow the whim of planners, developers and people with money.

It is often said, -

What's done is done. Let us say sorry and hold hands and move forward together as one.

- funny that, not by Māori.

I support the application by the Hastings District Council to remove the track.

We can all get it right this time.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

I wish the application to be granted in full.

The conditions as proposed by the applicant are supported

*** 4**

I wish to be heard in support of my submission, or

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

*** Email**

robertmacd@xtra.co.nz

*** Postal address for service of submitter: (If an organisation, include contact person)**

RD12 Havelock North

2118 Waimarama Road

Waimarama

Hawkes Bay

4294

New Zealand

Contact person

Mr MacDonald

*** Phone Number**

0277564222

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#11

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 15th 2019, 3:57:46 pm

* Full Name of Submitter(s):

Alexandra Bartlett

Item 2

Attachment 11

4/18/2019

Wufoo - Entry Detail

*** 1. The specific parts of the application that my submission relates to are:**

Item 1: Introduction on page 1, paragraph 1:

"Resource consent to construct a private walking track (commonly known as the 'Craggy Range Walking Track' ... was granted by Hastings District Council on 16 October 2017 (RMA20170324)".

"Most of the work to construct the track was completed in 2017, however, following complaints by tangata whenua and the wider public ... construction was put on hold and was not completed".

Item 1: Introduction on page 1, paragraph 3:

"A Restricted Discretionary resource consent is required under Rule EM6 of the Proposed Hastings District Plan as the activity will not comply with General Performance Standard 27.1.6A ... and General Performance Standard 27.1.6C ...".

Item 2, Section 88 and Schedule 4 to the RMA Requirements on page 1, paragraph 1:

"Both Section 88 and Clause 2(3)(c) of Schedule 4 require that an application provide an assessment on the environment in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment".

Item 2, Section 88 and Schedule 4 to the RMA Requirements on page 2, paragraph 1:

"Identification of any persons affected by the proposal, any consultation undertaken, and any response to the views of those consulted (Clause 6(f)) is addressed in Sections 7 and 8 of this report".

Item 6, Statutory Criteria on page 12, paragraph 2:

"When considering an application for a resource consent ... the consent authority must under section 104(1), subject to Part 2, have regard to- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application".

Item 7: Assessment of Environmental Effects on page 12, paragraph 2:

"21.1.7A Land Disturbance and Vegetation Clearance;

(a)(vi) Significant cultural, ecological and historical heritage sites (including archaeological sites);

(b)(iv) The potential risk or increased risk hazards from the activity, including potential risk to people or the community;

(b)(x) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under Heritage New Zealand Pouhere Taonga Act 2014".

Item 7.1: Land Disturbance and Vegetation Clearance Effect on page 14, paragraph 6

"It was suggested that an advice not be included on the resource consent that alerts the consent holder of the need to obtain any required Archaeological Authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014, prior to any of the proposed work commencing".

Item 7.7 Cultural Impacts on page 17, paragraph 2:

"Tangata Whenua have made it clear that the Craggy Range Track is culturally offensive and would like the whole of the Craggy Range Track removed and the natural landform reinstated as soon as possible".

Item 8 Conclusions on page 17, paragraph 1:

"On the basis of the above assessment, with the mitigation as proposed, any actual and potential adverse environmental effects of the proposed earthworks will be no more than minor in the short-term, and less than minor in the longer term".

Item 9.1 Section 17.1 Natural Features and Landscapes on page 18:

"OBJECTIVE LSO1 ... the Districts Outstanding Natural Features and Landscapes are identified, and are protected from inappropriate subdivision, use and development"

"POLICY LSP2 ... Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan".

Item 2

Attachment 11

4/18/2019

Wufoo - Entry Detail

Item 2

Attachment 11

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I strongly support the application for the earthworks required to remove the remaining sections of the Te Mata Peak Track, to reinstate the original contours of the land and restore the land cover to pasture for the following reasons:

HDC granted a Resource Consent for the Craggy Range Track in October 2016. The consent was in breach of their (HDC) own policies and the RMA. HDC publicly admitted full responsibility during a television interview, the local newspaper and at the Hui-a-lwi held on the 12 January 2019 where John O'Shaughnessy apologized to tangata whenua. As HDC is an agent of the Crown and Treaty partners, HDC have a social and ethical responsibility to rectify the issue that they caused and solely responsible for. And yet tangata whenua, until this day, are blamed for this situation as mentioned in the Introduction on page 1 and paragraph one of the RMA20190006 Description of Proposal and Assessment of Environmental Effects, File Reference HDC18003 that was prepared by Janeen Kydd-Smith, Principal Planner of the Hastings District Council, and I quote "Most of the work to construct the track was completed in 2017, however, following complaints by tangata whenua and the wider public ... construction was put on hold and was not completed". Tangata whenua have been crucified and subjected to racial abuse by the public for speaking up and making a stand for the protection of a tīpuna (ancestor) or in the environmental language an Outstanding Natural Feature and Landscape. Something HDC failed to do in the first instance, "Natural Features and Landscapes: OBJECTIVE LS01 ... the Districts Outstanding Natural Features and Landscapes are identified, and are protected from inappropriate subdivision, use and development".

How Māori physically and spiritually connect with Te Mata o Rongokako is difficult to explain let alone understand by those who do not share the same cultural values and beliefs. For Pākehā and Tauiwi, Te Mata o Rongokako is just a hill with great scenic views that is an excellent place to exercise; walk the dog; hand and paraglide, picnic and drink wine; and take amazing photographs. For tangata whenua, this place, signifies to some but not all, the resting place of a deceased tīpuna; an area of historical significance where battles took place and the death of significant ancestors such as Hinepare, and a significant landmark used for navigation by our ancestors. These are only some of the stories that I learnt in my short lifetime that I tell my children and grandchildren. Seeing the Craggy Range Track brings great sadness and sorrow even to this day. I can only imagine how it must have felt for the elders of Heretaunga (Hastings) when they first cast their eyes on the damage and sacrilege caused to Te Mata o Rongokako. Some people described it as the desecration of a family members grave. Others described their pain they experienced that it was crippling and they could feel the cuts on themselves that were made to Te Mata o Rongokako.

The significance of Te Mata o Rongokako was not taken into consideration by HDC when the resource consent was granted in 2016 or the scale and significance of the effects that the activity would have not only the environment but also tangata whenua (refer to the Statutory Criteria).

HDC now have the opportunity to regain the faith of tangata whenua and rebuild the Treaty relationship by remediating the track. I am in full support of the remediation earthworks because HDC have taken the specific parts that I have mentioned above into consideration and have reassured the public that the effects will minor both in the short term and less than minor in the long term. The track was built in contravention and breach of the HDC Plan, therefore reversing the scar on the cultural landscape is able to occur and be rectified.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

- Hastings DC be granted the application based on the concern's issues raised in my submission.
- That the proposed works be undertaken is guided by cultural oversight with the local tangata whenua.

*** 4**

I wish to be heard in support of my submission, or

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

4/18/2019

Wufoo - Entry Detail

*** Email**

lanabartlett01@gmail.com

*** Postal address for service of submitter: (If an organisation, include contact person)**

46 Colin White Road
RD11 Te Hauke
Hastings
4178
New Zealand

Contact person

Lana Bartlett

*** Phone Number**

0275014388

Item 2

Attachment 11

4/18/2019

Wufoo - Entry Detail

HDC - Proposed Craggy Range Track Remediation

COMPLETE

#12

Submission on Publicly Notified Resource Consent Application: RMA20190006 - Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

CREATED



PUBLIC

Mar 15th 2019, 11:43:49 pm

*** Full Name of Submitter(s):**

John James McKeefry

*** 1. The specific parts of the application that my submission relates to are:**

Restoration of the land scarred by the Craggy Range track to its original condition pre-track.

*** 2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views.**

I support the application to remove the remaining sections of the track and reinstate the original contours of the land.

*** I / We seek the following decision from the Hastings District Council: (Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought)**

I wish the application to be granted.

*** 4**

I wish to be heard in support of my submission, or

*** 5**

If others make a similar submission I will consider presenting a joint case with them at any hearing, or

*** Email**

johnmckeefry@gmail.com

*** Postal address for service of submitter: (If an organisation, include contact person)**

23 Franklin Terrace, Havelock I North
Hastings
4130
New Zealand

Contact person

<https://app.wufoo.com/#/entry-manager/903/entries/12>

1/2

Item 2

Attachment 12

4/18/2019

Wufoo - Entry Detail

* Phone Number

0275755255

Item 2

Attachment 12

<https://app.wufoo.com/#/entry-manager/903/entries/12>

2/2

SUBMISSION ON APPLICATION CONCERNING RESOURCE CONSENT THAT IS SUBJECT TO PUBLIC NOTIFICATION BY HASTINGS DISTRICT COUNCIL: RMA20190006 – PROPOSED CRAGGY RANGE TRACK REMEDIATION

TO

Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

SUBMITTER DETAILS

FULL NAME: Mr Paddy Maloney and Mrs Anne Maloney
CONTACT: Vanessa Hamm
ADDRESS FOR SERVICE: Holland Beckett Law
The Hub on Cameron
525 Cameron Road
Tauranga
TELEPHONE: 0274522343
EMAIL: Vanessa.Hamm@hobec.co.nz
DATE: 6 March 2019

APPLICATION DETAILS

APPLICATION NUMBER: RMA20190006
APPLICANT NAME: Hastings District Council
APPLICATION SITE: Waimarama Road, Havelock North
DESCRIPTION OF PROPOSAL To undertake earthworks required to remove the remaining sections of Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

KER-459211-11-305-1

1. This is a submission on an application from Hastings District Council for a resource consent to undertake earthworks required to remove the remaining sections of Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.
2. We are not trade competitors for the purposes of section 308B of the Resource Management Act 1991 (RMA).

The specific parts of the application that our submission relates to are:

3. The application in its entirety.

Our submission is:

4. We became aware of the issues with the Te Mata Peak Track after resource consent had been granted and the track was partially constructed. We were concerned with the application's lack of regard to the cultural significance of Te Mata Peak to tangata whenua as well as the consent application being processed non-notified (particularly given that Te Mata Peak is an outstanding natural landscape).
5. We note in particular Policy LSP2 of the Hastings District Plan and its explanation states:

Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan.

Explanation

Te Mata Peak is a significant landscape icon in Hawke's Bay, having District, Regional and National significance. It is the most prominent landmark in the eastern Heretaunga Plains with a distinctive silhouette skyline. It is a source of identity for hapu, Ngati Kahungunu, and the Districts residents.

In order to ensure the protection and integrity of the landscape, the Plan prohibits buildings associated with residential activities and visitor accommodation above and including the 240 metre contour line of the Peak. In addition, it requires that resource consent for a Non-Complying activity be obtained for all other buildings above and including the 240 metre contour line, and for all buildings greater than 50m², network utilities, earthworks and plantations within ONFL1. The Prohibited and Non-Complying activity status of these activities provides a clear signal to the community and Council that the present landscape qualities of Te Mata Peak will be afforded the highest levels of protection.

6. Outstanding natural landscapes are a matter of national importance under s 6 RMA. We therefore support the removal of the track so that the qualities of this "landscape icon" can be restored.
7. We support the recognition that under s 7 of the RMA, 'the maintenance and enhancement of amenity values' and 'maintenance and enhancement of the quality of the environment' were particularly relevant to this application, and were addressed through the assertion that effects of the proposed earthworks on the visual amenity and character of the surrounding area will be no more than minor in the short-term, and less than minor in the longer term.

KER-459211-11-305-1

8. We also support the recognition that under s 8 of the RMA the principles of the Treaty of Waitangi must be taken into account and in particular that this proposal is consistent with tangata whenua's desire to have the whole of the Te Mata Peak Track removed and the natural landform reinstated.
9. We support the recommendations and conclusions made by Boffa Miskell.
10. We agree that the proposed mitigation and temporary adverse effects of the proposal will provide a better long-term restoration of the site.

We seek the following decision from the Hastings District Council:

11. We seek that the Hastings District Council's application for resource consent to undertake earthworks to remove the Te Mata Peak Track, reinstate the original contours of the land and return the land cover to pasture is granted in its entirety.
12. We wish to be heard in support of our submission.
13. If others make a similar submission we will consider presenting a joint case with them at any hearing.
14. We request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

Signed on behalf of Mr Paddy Maloney and Mrs Anne Maloney:



Vanessa Hamm / Partner / Holland Beckett

DDI 07 927 2754

E vanessa.hamm@hobec.co.nz

KER-459211-11-305-1



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s): Sonya Rahira Walsh and Brendon Hugh Doyle

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

See paragraph 10.3 section 7 other matters (c) maintenance and enhancement of the quality of the amenity values and (f) maintenance and enhancement of the quality of the environment.

Also see Boffa Miskell recommendation and conclusion.

2. **My submission is:** *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

We support the application in its entirety because of Sections 7 (c) and (f) of the RMA.

We agree with the planned mitigation and I Also agree that the temporary adverse effects are less than minor.

We agree and support the application work being done according to the application.

We also support the Boffa Miskell recommendations and conclusion on pg 72 of the application.

In addition, we support that the Te Mata is to be returned to its previous state to be sustained for future generations.

Te Mata is an important Tipuna of Ngati Kahungunu Tangata Whenua, and Kaitiatki (guardian of Te Mata) and we support their wishes to have the Maunga restored.

We support the removal of the track that scars the Maunga and desecrates the Tipuna of Te Mata.

The process for the approval of the track was inappropriate, particularly in the context of Treaty of Waitangi rights and obligations.



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

Item 2

Attachment 14

3. I / We seek the following decision from the Hastings District Council:

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

We wish the application is granted in full.

The conditions, as proposed by the Applicant, are fully supported.

4. I wish to be heard in support of my submission, or ☐
 I **do not** wish to be heard in support of my submission ☐
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☒
 I **do not** wish to present a joint case ☐

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: Rahira Walsh and Brendon Doyle
 Date: 10 March 2019

(A signature is not required if you make your submission by electronic means)



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

E-Mail: brendondhoyle@gmail.com

Postal address for service of submitter: (If an organisation, include contact person)

Daytime Phone No: (04)3885269 Fax No:

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002

Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

Item 2

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s): Christine Nepata Kidwell.

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>

Attachment 15



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. The specific parts of the application that my submission relates to are:

These are some of my potential submission points.

- a. *the existing track was constructed in contravention of Hastings District Council rule re a slope in ONFL;*
- b. *volume of earthworks taken was more than 200 cubic metres*
- c. *Hastings District Council shouldn't have built this track so removal of it is paramount*
- d. *Support remediation for scenic archaeological public amenity cultural reasons.*
- e. *If it stays it is setting a precedence for our tupuna to be abused.*

2. My submission is:

I support the application, and the earthworks required to remove the remaining sections of the track to reinstate the original Contours of the land and restore the Land cover to pasture.

The remediation earthworks will be no more than minor in the short term and less than minor in the long term, knowing the track was built in contravention and breach of the Hastings District Council plan, therefore reversing the scar on the cultural landscape is able to occur and be rectified.

The Hastings district plan associated rules and processes require a major review towards a new plan change in particular to provide tangata whenua an assurance that the plan is fit for purpose and does not impact on our cultural significant sites within Heretaunga.

My personal view on doing the submission is based on the fact that my ancestor Te Karanemanema Pukanaana o Rongokako was violated. It is with great sadness that coming home to see my ancestor violated in this way very very disheartening.

I was raised by my parents in regards to this ancestor known as the Sleeping Giant, when i was a little girl. As you see today the maori name has great meaning, but our parents were not allowed to speak our reo, so they gave the english version. The Sleeping Giant which was always pointed out to us as a navigational point, as I can understand it today, signifying our tribal boundaries. It is with great anticipation that we await the repairing of this wound which has impacted on many, many of our people, although an enjoyment for some, but total devastation for tangata whenua.



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

Item 2

3. **I seek the following decision from the Hastings District Council:**

- a. *The Hastings District Council be granted the application based on the concerns issues raised in my submission.*
- b. *that the works undertaken be guided within a bicultural oversight with the local tangata whenua.*

5. If others make a similar submission I will consider presenting a joint case with them at any hearing. ☐

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Date: 11/03/2019.

(A signature is not required if you make your submission by electronic means)

E-Mail:

kidwellc67@gmail.com

Postal address for service of submitter: *(If an organisation, include contact person)*

N/A

Daytime Phone No: Mobile:0273904128

Notes:

1. *You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.*
2. *If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.*
3. *If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.*

Attachment 15



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

4. *Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):*
- *it is frivolous or vexatious:*
 - *it discloses no reasonable or relevant case:*
 - *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
 - *it contains offensive language:*
 - *it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*
5. *All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.*

Item 2

Attachment 15



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002

Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Jacqueline Elizabeth Chambers and Pounamu Tipiwai-
Chambers _____

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

The location of the proposed activity to take place is at Waimārama Road, Havelock North on Lot 3 DP 316592 and Lot 3 DP 408476 (CFR: 459184).

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

The Te Mata Peak Track was constructed in contravention of the Hastings District Council rules and should not have been built as follows:

- a) slope in ONFL
- b) volume of earthworks – more than 200 cubic metres.

Therefore, removal of the track is paramount. Support remediation for scenic / archaeological / public amenity / cultural reasons. If it stays it is precedent setting.

2. **My submission is:** *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

I/We strongly support the application for the earthworks required to remove the remaining sections of the Te Mata Peak Track, to reinstate the original contours of the land and restore the land cover to pasture for the following reasons:

- a) The remediation earthworks will be no more than minor in the short term and less than minor in the long term. The track was built in contravention and breach of the HDC Plan, therefore reversing the scar on the cultural landscape is able to occur and be rectified.
- b) The HDC District Plan associated rules and processes require a major review toward a new plan change in particular to provide assurance that the plan is fit for purpose.

c) The track has caused so much anguish and division amongst people. As a mixed-race whanau recently moved back to Hawkes Bay we were horrified at the blatant derogatory and racist comments by Pro track people, aimed at Tangata Whenua who were trying to uphold and protect the mana of that land. We are appalled by the stance that the 'Pro' track people have had, and their apparent complete disregard of anything that the whenua may mean to Te Iwi Maori o Kahungunu. To us the track is a very ugly physical reminder of a racist side of Tau Iwi, Non Tangata-Whenua, people who are not willing to try and understand a very real deep connection to the whenua, or to try and see things from any perspective other than their own.

We have walked up the track ourselves. One reason for this was to try and see from that perspective, what the point of making the track there was. From our experience the track was just another marketing ploy by Craggy Range Winery.

In our humble opinion the track needs to go. It needs to be healed, to heal the land, to heal the people and to allow a future where we actually have real relationships, with real understanding, with each other and the land.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

- Hastings DC be granted the application based on the concern's issues raised in my submission



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

- That the proposed works be undertaken is guided by cultural oversight with the local tangata whenua.

Tick the box that applies to you

4. I wish to be heard in support of my submission, or ☐
I **do not** wish to be heard in support of my submission X ☒
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☐
I **do not** wish to present a joint case ☐
6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: JE Chambers and PTAN Tipiwai-Chambers

Date: 14/3/2019

(A signature is not required if you make your submission by electronic means)

E-Mail: koreromai11@gmail.com _____

Postal address for service of submitter: (If an organisation, include contact person)

460 Clifton Rd. RD 10 Hastings. 4180

Daytime Phone No: 021 140 8672

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

4. *Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):*
- *it is frivolous or vexatious;*
 - *it discloses no reasonable or relevant case;*
 - *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;*
 - *it contains offensive language;*
 - *it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*
5. *All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.*

Item 2

Attachment 16



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Fiona Hosford

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**
(Please continue on separate sheet(s) if necessary)

The removal of the remaining sections of
the Craggy Range Track.

2. **My submission is:** (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)

I support the removal of the remaining
sections of the Craggy range track to
reinstate the original contours of the
land and restore the land cover to
pasture.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

I wish to see the application for the
removal of the track, the reinstatement
of the original contours of the land and
the restoration of land cover to pasture
to be granted.

4. I wish to be heard in support of my submission, or
I **do not** wish to be heard in support of my submission

☐
☒



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or

I do not wish to present a joint case

☐
☒

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Fiona Hosford

Date: 15th March 19

(A signature is not required if you make your submission by electronic means)

E-Mail: _____

Fiona.Hosford@icloud.com

Postal address for service of submitter: (If an organisation, include contact person)

29 Breadalbane Road, Hawke's Bay North
4130

Daytime Phone No: 021 328 311

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.

15 March 2019

Hastings District Council
Private Bag 9002
Hastings 4156



Ngāti Kahungunu Iwi
INCORPORATED

Submission: On Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Submitter: Ngāti Kahungunu Iwi Incorporation

Tēnā koe,

1. **Ngāti Kahungunu Iwi Incorporated (NKII)** is the mandated iwi organisation concerned with all aspects of Ngāti Kahungunu development. Ngāti Kahungunu has the third largest iwi population (62,000¹) in the country and over 32,000 registered members. The rohe of Ngāti Kahungunu extends from Paritu, north of Wairoa to Turakirae in South Wairarapa; geographically the second largest tribal rohe in the country. The guiding 'mission' of NKII is "to enhance the mana and wellbeing of Ngāti Kahungunu whanau".
2. Our submission today supports Te Mata o Rongokako and Councils consent application and proposal to remediate the Craggy Range Track ("The track") via earth works to reinstate the original contours and mana of the whenua.
3. This submission and consent application is unique in that while it supports the proposal to remediate 'The track', the rationale for remediation is effectively also a submission why the construction of the track was inappropriate in the first instance. A summary of the Statutory considerations made that support this proposal are presented below. Followed by a brief overview of the relevant generic values associated with Te Mata Rongokako and some of the negative impacts as a result of The Track being consented and constructed.

¹ 2013 Census of Population and Dwellings, New Zealand Ngāti Kahungunu population only.

Summary of Statutory Framework

4. Section 6 (e) of the Resource Management Act 1991 (RMA) requires local authorities to *'provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga'* as a matter of national importance under part 2.
5. Wāhi tapu and wāhi taonga are also protected by Section 6 (f) *'the protection of historic heritage from inappropriate subdivision, use, and development'*. The direction to 'protect' is arguable more definitive and stronger under section 6 (f), than the phrase 'provide for the relationship...' under section 6(e) in the RMA.
6. Protecting sites of significance to Māori including wāhi tapu (but not limited) are required 'protection' under the RMA definition and associated policy. Historic heritage – *'means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
 - i. (i) archaeological:
(ii) architectural:
(ii) cultural:
(iv) historic:
(v) scientific:
(vi) technological; and
 - (b) includes-
 - ii. (i) historic sites, structures, places, and areas; and
(ii) archaeological sites; and
(iii) sites of significance to Māori, including wāhi tapu; and
(iv) surroundings associated with the natural and physical resources
7. In addition, Heritage New Zealand Pouhere Taonga Act 2014, Section 42 provides *'overarching protection for archaeological sites'*. Section 42 (1) *"...no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site."*
8. Archaeological site means [but is not limited to] *any place, including any building or structure, that was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and provides or may*

provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; including national historic landmarks.

9. Considering that 'most' of 'Māori activity' occurred prior to 1900, this definition and provision like other heritage protection mechanisms are highly relevant to tāngata whenua. Cole, A. et al. 2018 refers to the registered archaeological sites and provides significant reference to historic activities and significance of the area.
10. The RMA states that the principles of the Treaty of Waitangi must be taken into account when managing the use, development and protection of natural physical resources.
11. The RMA also requires statutory authorities to take into account hapū and iwi management plans when making Plan Changes. In this regard although not limited to "Mana Ake – an expression of Kaitiakitanga" (Mana Ake) applies, is highly relevant and has been lodged as a "collective hapū plan" with Council.
12. Mana Ake refers to protection of cultural landmarks – Wāhi Tipuna, Wāhi Tapu, Wāhi Tohi, Rua kōiwi. Under section 2.1.8. heading 'Ngā Maunga' reference is made to "landscapes [that] are severely degraded and the cultural values of specific maunga are compromised". Te Mata is one specific maunga (mountain) identified as "wāhi taonga" connected to hapū whakapapa.
13. Mana Ake plan further states "sites of ancestral importance, i.e. wāhi taonga; there will be no excavation, modification, alteration to any of the sites without the permission of affected mana whenua." The plan also identifies characteristics of wāhi tapu and the association with cultural heritage, stories and traditions of tangata whenua.
14. Under section 3.3. heading Consents Monitoring, it is specifically stated that Mana Ake [iwi plan] be used "as a guide on determining affected party status" and "when writing consents", stands to reason that this consideration also applies when considering consents.

Hastings District Plan - Wāhi Tapu, Wāhi Taonga and Sites of Significance

15. In the Hastings District Plan, the plan states that wāhi tapu and wāhi taonga are sites or areas of significance to tangata whenua and include but are not limited to:
 - i. old pa sites, excavations and middens (pa tawhito)
 - ii. old burial grounds and caves (ana tupapaku)
 - iii. current cemeteries (urupā)

- iv. battlefields (wāhi pakanga)
- v. sacred rocks, trees or springs (ngā toka, rākau tapu)
- vi. watercourses,² swamps, lakes and their edges (waipuna, awa, roto)

16. The Hastings District Plan includes the objective LSO1:

- i. Outstanding Natural Feature and Landscapes are identified, and are protected from inappropriate use, and development.

17. Accordingly, Policy LSP2 states – Protection of the present landscape qualities of Te Mata Peak shall be afforded the highest priority through the District Plan. With the explanation:

- i. Te Mata Peak is a significant landscape icon in Hawke's Bay, having District, Regional and National significance. It is the most prominent landmark in eastern Heretaunga Plains with a distinctive silhouette skyline. It is a source of identity for hapū, Ngāti Kahungunu, and the District residents.

In order to ensure the protection and integrity of the landscape, the Plan prohibits buildings associated with residential activities and visitor accommodation above and including the 240 metre contour line of the Peak. In addition, it requires that resource consent for a Non-Complying activity be obtained for all other buildings above and including the 240 metre contour line, and for all buildings greater than 50m², network utilities, earthworks and plantations within ONFL1. The Prohibited and Non-Complying activity status of these activities provides a clear signal to the community and Council that the present landscape qualities of Te Mata Peak will be afforded the highest levels of protection.

18. A *Maori Cultural Review of Current Schedule of Outstanding Natural Landscapes* (Ipurangi Developments Limited, 2012) ("Cultural Landscape Report") was specifically produced for the District Plan and the Natural Landscapes section with the following objectives:

- i. To ensure that all landscapes of outstanding cultural significance are documented to protect them from inappropriate development.
- ii. To ensure that appropriate consideration is given to the cultural importance of landscape values in the Hastings District Outstanding landscapes report.

² Means any stream, river, public drain, irrigation canal or channel.

- iii. To ensure that all of the necessary information for the protection of outstanding landscapes in the district is available to inform the review of the district plan.
19. The Cultural Landscape Report provides a Te Ao Maori perspective on Landscapes and in Particular Te Mata Peak:
- i. *Kōrero: Te Mata Peak is the most recognisable geographical feature in Hawke's Bay. Te Mata was from Waimārama and from the peak he guarded their western boundary.*

He was reputed to be a large man and as the legend grew he became a 'giant' man. Obviously he took his guardianship quite seriously and this often caused conflict with neighboring tribes. These tribes concocted a not too original plan but nonetheless a tried and true one; they sent one of their daughters to divert him from aggressive to more loving pursuits.

The plan certainly worked and as the story goes Te Mata, in order to show his love for her, performed several tasks one of which resulted in him falling down dead. This was the biting out of a piece of the range of hills now known as Te Mata. This 'bite' became one of the main walk ways from the plains through to the Tukituki Valley.

The story of course could not end there as his beloved realising that she loved him, threw herself off the cliff and she too lies there beside him.

The most well-known kōrero relating to Te Mata is that it is the face of Rongokako, son of Tamatea Arikinui of the Takitimu waka. Rongokako had set out to make war against the Heretaunga peoples but instead was lured by the beauty of the Chief's daughter. After seeing her Rongokako decided to woo rather than make war. She set him many impossible tasks which he accomplished until she told him to eat his way through the hill. Rongokako tried, but choked, dropping to the ground where he lies to this day.

20. The Cultural Landscape report, concludes with the following two relevant recommendations:

- i. That the current outstanding natural landscapes and features are retained as such.
- ii. That the special landscape areas are retained as such

Mātauranga

“Knowledge is power but knowledge without action is useless”

Abu Bakr

21. Prior to the consent being granted to create a track on Te Mata o Rongokako it's fair to say ample korero, information, policy and statute was present to make an appropriate assessment of the application and in turn make an appropriate decision accordingly.

22. For whatever reason this did not take place. However, the knowledge is now being put to use and acted upon through this consent application.

“He mana tō te mātauranga, heoi ka kore e whakamahia, he moumou noa”

Jeremy Tātē MacLeod

Position of Ngāti Kahungunu

23. Ngāti Kahungunu Iwi Incorporated support restoration of the Landscape and removal of the track. As kaitiaki the restoration of the mauri and mana of the landscape is seen as an obligation.

24. Given the summary of information and statutory framework provided above the initial consent was clearly inappropriate and in opposition to that information and framework, and adversely affected the cultural values and interests of Ngāti Kahungunu and Heretaunga hapū.

25. Ngāti Kahungunu supports the document *“Towards an understanding of the Māori (cultural) wellbeing and survival aspirations that ngā hapū o Heretaunga have for Te Mata, Te Matā, Te Mata o Rongokako, Te Karenemanema Te Mata o Rongokako* ³ – (“Understanding Rongokako”) produced by Te Taiwhenua o Heretaunga. Cultural history, significance and values are well documented within this document -

³ Cole, A. O. Me ōna tūpuna, Apatu, M., Black, M., Te Huia, B., Brown, J. And O'Reilly, T. (2018)

- i. The marae and hapū of Heretaunga have a wonderfully rich, deep, diverse and sacred 'relationships' with Te Mata ... Te Mata te Tipuna. This relationship has been carefully woven through events and Atua experiences of the last 800-1000 years.

26. Ngāti Kahungunu also support the general message and sentiments already expressed by numerous whanau, hapū and Ngāti Kahungunu individuals in regards to the creation of The Track and its cultural impact on the significance and adverse impact on tangata whenua.

27. In addition, there have been significant indirect consequences of the track and the subsequent desecration of this significant cultural landscape on the cultural identity and expression of tangata whenua. Unintentional as it may be, to allow such an activity has demonstrated a significant disregard for the most significant values of tangata whenua. In doing so this not only granted and legitimized the development of the track and desecration of cultural values but also indirectly legitimized, fueled and promoted to an extent the negative expressions and challenges by sections of the community towards tangata whenua values and the right to have significant cultural significance appropriately recognized and protected. Arguably this has been more harmful to the relations between tangata whenua and the rest of the community than any other local RMA decision to date.

28. Because recognition of the cultural importance of Te Mata was been over looked, the earth has effectively been tilled for the growth of ignorance and intolerance; through providing comfort for some sections of the community to further challenge or ignore matters of cultural importance. In the face of an already difficult job by tangata whenua to protect the relatively few sites of cultural significance that remain.

Conclusion

29. It is recommended that Hastings District Council concentrate in the first instance on the significant matters first and foremost without the inclusion of non-significant matters as to clearly and unequivocally remove the (false) expectation and assumption that culturally significant sites 'may' be open for business and or leisure. By entertaining discussions of any related leisure activities Council is fostering a distraction to the important decision and reconciliation it has before it. Council is obligated in making its decision associated with the track to ignore matters that do not contribute to Te Mata being currently recognized as an Outstanding Natural Landscape and Outstanding Natural Features. As noted in the Hastings

District Plan the area must be "afforded the highest priority" recognition as ONL / ONF provides the mechanism to ignore "lessor values" in this process.

30. Ngāti Kahungunu Iwi Incorporated wish to be heard in regards to this submission. For any additional information on this submission, please contact Ngaio Tiuka, Pouarataki – Taiao me One Rawa (Director of Environment and Natural Resources).

Nā māua,



Ngahiwi Tomoana
Tumuaki/Chairman
Ngāti Kahungunu Iwi Incorporated



Chrissie Hape
Kaiwhakahaere Matua/Chief Executive
Ngāti Kahungunu Iwi Incorporated

Ngāti Kahungunu Iwi Incorporated
304 Fitzroy Avenue
P O Box 2406
Hastings

Ref: Ngaio Tiuka
Fax: 06 8764807
Phone: 06 8762718 ex 710



Rob Enright
Barrister
Magdalene Chambers
Auckland & Wanaka
e: rob@publiclaw9.com
m: +64 21 276 5787

Item 2

**SUBMISSION BY WAIMĀRAMA MĀORI COMMITTEE ON APPLICATION FOR
RESOURCE CONSENT NO: RMA20190006**

SUBMITTER DETAILS

FULL NAME: Waimārama Māori Committee

CONTACT:

Waimārama Māori Committee & Waimārama Marae
Attention: Bernadette Hamlin
802 Collinge Road

HASTINGS

ADDRESS FOR SERVICE:

Waimārama Māori Committee
Attention: Bernadette Hamlin
802 Collinge Road

HASTINGS

By email

raukura57@hotmail.com; robert.macd@xtra.co.nz

And by email to Solicitors/Counsel:

andrew@simpsonlegal.co.nz
rob@publiclaw9.com

TELEPHONE: 021 276 5787

EMAIL: andrew@simpsonlegal.co.nz; rob@publiclaw9.com

DATE: 15 March 2019

APPLICATION DETAILS

APPLICATION NUMBER: RMA20190006

APPLICANT NAME: Hastings District Council

Attachment 19

APPLICATION SITE:

Waimārama Road, Havelock North, Lot 3 DP 316592 and Lot 3 DP 408476 (CFR 459184)

DESCRIPTION OF PROPOSAL:

Land use consent for Restricted Discretionary Activity (under Rule EM6 of the Proposed Hastings District Plan) for earthworks associated with removal of the remaining sections of Te Mataa Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture

Trustees of Waimārama Māori Committee Position:**RELIEF:**

- 1 Waimarama Marae, and Waimarama Māori Committee, are mana whenua and kaitiaki. They are directly affected by the Te Mataa Peak track, which has resulted in significant adverse cultural effects. Trustees of Waimarama Māori Committee seek that the Hasting District Council's application for resource consent to undertake earthworks to remove the Te Mataa Peak track is granted in its entirety, on appropriate consent conditions to ensure restoration, including reinstatement of the natural landform.

SUBMISSION:**RELATIONSHIP WITH TE MATAA**

- 2 The Waimārama Marae comprises the hapu of Ngāti Kurukuru, Ngāti Hikatoa, and Ngāti Whakaiti, me Ngāti Ura-ki-te-rangi. We have mana whenua over the Tukituki river through our whakapapa links to Ngāti Hawea at the waha-pu o te awa o Tukituki (mouth of the Tukutuki river). The Waingongoro, Tukituki and its tributaries have sustained our wellbeing in cultural, spiritual and economic terms since 1350AD.
- 3 Our mana whenua over the awa (river) is also derived from our links into areas of the Tukituki around the Matahiwi side of the river. Our tipuna Te Aonohora, son of Te Aomatarahi, married into Hawea hapu and we still retain lands as Ngāti Kautere, hence mana whenua in the Matahiwi area. We whakapapa to Te Aonohora, and his pa was on the Tukituki river. As a consequence of our ancestral connections, we are kaitiaki of our waterways. Waimārama's area of influence extends to Rangaika in the north.
- 4 Waimārama Marae is located on the coast (Waimārama, Waipuka, Ocean Beach) but of course our hapū had many kainga (villages) in areas of strategic importance within our rohe (territory). This included pa sites overlooking the Tukituki river valley, all the way across to Te Mataa and surrounding maunga.
- 5 Te Mataa is our ancestor. He is both ancestor and taonga (treasure) and according to our lore, he remains part of our living cultural landscape, watching over Waimārama's domain. In the same way that Te Mataa watches over us, we at Waimārama watch over him. Any harm done to Te Mataa, harms Waimārama as well.

- 6 Harm to Te Mataa is harm to Waimārama. The zig zag scar created by the track is likened to the ritualistic whakahaehae and is deeply offensive and hurtful. It has physically harmed Te Mataa; and it has affected the mana and mauri (life force) of Te Mataa. This includes wāhi tapu (sacred sites) that are located on this eastern face of Te Mataa and in close proximity to the track; the details of these are confidential and I understand from Counsel that this can be addressed in a separate and confidential affidavit (i.e. that will subject to directions of the Court). We do not encourage the public to walk in the blood of our ancestors.
- 7 For Waimārama, the extent of this harm is significant. It cannot be understated. We feel the hurt on a daily basis. We have been staging hikoi (protests) beside the Track, because we want the public to know the hurt suffered. The only way to remedy this harm, is to remove the track and restore Te Mataa.
- 8 We do not see any distinction between the “peak” of Te Mataa and his flanks. They are all part of our ancestor, and Te Mataa as a whole is wāhi tapu. In other words, part removal of the track is not a solution. Full removal is required to restore the mauri (life force) for Te Mataa.
- 9 Total removal of the Te Mataa Peak Track is supported, all the way to Waimārama Road (and including parts of the track within the ONL1 and SAL6). The track was installed without public notification or consultation with mana whenua. The track results in significant adverse cultural effects to Waimārama Māori Committee and Waimārama Marae. Removal of the track is required to avoid this adverse cultural impact, and restore the mauri and cultural values. The submitter therefore supports the removal of the top portion of the walking track (a length of 495 metres) undertaken as emergency works by the Council.
- 10 Te Mataa is both ancestral land and maunga taonga. The cultural significance of Te Mataa includes:
 - Te Mataa is both an ancestor (representing the body of chief Rongokako) and a taonga.
 - It is part of the living cultural landscape and watches over the Waimārama domain.
 - The harm caused to Te Mataa by the consented track is harm caused to, and felt by, the Waimārama Māori community. It is deeply offensive and hurtful.
 - The track was installed in breach of Part 2 RMA values that include s6(e) RMA, s7(a) and s8 RMA, and the corresponding planning provisions.
 - The track is inconsistent with the statutory framework and the relevant planning instruments.
- 11 Te Mataa is an outstanding natural landscape, a matter of national significance under s6(b) RMA. Te Mataa is also a site of regional significance - the protection of its landscape qualities is afforded the “highest protection” in the Proposed District Plan (Policy LSP2 and explanation). The track, which zig-zags down the natural contour of the eastern face of Te Mataa, is visually prominent and conflicts with the perceptual and associative values that classify Te Mataa as an outstanding natural landscape. It

is considered that these adverse landscape effects were not adequately assessed before its construction and as a result the track is contrary to both s 6(b) RMA and the Regional and District planning framework including Policy LSP2.

- 12 Total removal of the track is appropriate to restore adverse landscape effects and the mauri and cultural values associated with Te Mataa and will ensure the naturalness, coherence and intactness of Te Mataa as a mapped outstanding natural landscape. Trustees of Waimārama Māori Committee support the total removal of the Te Mataa Peak track and reinstatement of the land to pasture.

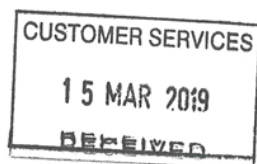
HEARING:

- 13 Trustees of Waimārama Māori Committee wish to be heard in support of their submission. If others make a similar submission Waimārama Māori Committee will not consider presenting a joint case at hearing.
- 14 A copy of this submission has been served on the applicant.

Dated this 15th day of March 2019



Rob Enright
Counsel for Trustees of Waimārama Māori Committee



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
 Planning & Regulatory Services
 Hastings District Council
 Private Bag 9002
 Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Margaret Adele Kahuirangi Mohi McGovern

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

Remediation of the Track is full

2. **My submission is:** (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)

Support the application of the Hastings District Council to undertake earthworks required to remove the remaining sections of the Te Mata Park Track (Craggy Range Track) reinstate the original contours of the land & restore the land cover to pasture

The consent should never have been issued. No ^{original} engagement with Maori was sought.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

I wish this application to be granted and no tracks to be allowed on the Eastern side of this range of hills ever! and the pristine vista to be preserved for future generations

4. I wish to be heard in support of my submission, or



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





HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or

I do not wish to present a joint case

☐
☒

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Date: 14.3.19.

(A signature is not required if you make your submission by electronic means)

E-Mail:

tuahm@waspsnet.co.nz

Postal address for service of submitter: (If an organisation, include contact person)

144 Ocean Beach Road RD 12

Havelock North 4294

Daytime Phone No: 8747794

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.



ali
2pm

97017#0096
Submission #21 Rose Mohi
HASTINGS DISTRICT COUNCIL
207 Lynden Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Rose Mohi

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. The specific parts of the application that my submission relates to are:

(Please continue on separate sheet(s) if necessary)

- Resource management act
- Historical - manawhanga
- Craggy Range Track
- Cultural Impact report
- Sage Planning - Boffa Miskell, Archaeology

2. My submission is: (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)

Support

3. I / We seek the following decision from the Hastings District Council:

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

4. I wish to be heard in support of my submission, or



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





HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

- Robert MacDonald
With Waimarama, Tetaiwhenua o Heretaunga
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☒
I do not wish to present a joint case ☐
6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: GR MacDonald

Date: 15.3.2019

(A signature is not required if you make your submission by electronic means)

E-Mail: rosemohi.nz@gmail.com

Postal address for service of submitter: (If an organisation, include contact person)

19 Duarv Rd
Havelock North

Daytime Phone No: 8779474 / 021 0636797 Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.

Page 3 of 3

Item 2

Attachment 21

Addition 1.

Item 2

Saturday 23 December 2017
Media Statement

Craggy Range Winery Resolves to Remove Walking Track

Following discussions with Mana Whenua and other concerned groups this week, Craggy Range Winery has decided the best resolution to the concerns surrounding its new walking track on Te Mata Peak's eastern slopes is to remove the track, restore the land and return it to the previous owner.

"We've worked hard over the last week to seek and understand everyone's perspective. We never intended to alienate or divide any part of our community by developing the public track and we believe it is in the best interests of the broader community that a swift resolution occurs," says Mike Wilding, Chief Executive.

"We had open and positive discussions with iwi representatives that gave us a deeper appreciation for their concerns and their disappointment that we did not go over and above the council process and consult directly with them. We're sorry for the distress we have caused them and anyone else, especially because we went into this project believing it was a positive thing to do for the community."

Mr Wilding says the issue has come about because Hastings District Council chose not to publicly notify Craggy Range's consent application to develop the track into the upper reaches of the Peak, which are designated an Outstanding Natural Feature under the new District Plan.

"When this furore erupted we were surprised to find out that Council hadn't consulted with Mana Whenua in the consent application process.

It is also disappointing and frustrating that we find ourselves the first casualty of an updated District Plan that does not appear to align with community sentiment."

However, if Hastings District Council is taken to court over their decision, there will be no winners and frankly we don't think it is fair for ratepayers to foot the cost. So we have instead developed an alternative solution that mitigates the impact both to the Council and to ratepayers.

That means, despite many people telling us they support the track, on balance we believe it is in the best interests of the entire community to remove it, restore the land and return the property to its previous owner and allow everyone to move forward."

END

For further information:

Michael Wilding
Chief Executive, Craggy Range Winery
027 5703 264
Michael.wilding@craggyrange.com

Attachment 21

**Land Use Consent Application RMA20190006 -
Craggy Range Walking Track Removal**
Waimarama Road, Havelock North

15th March 2019

Ko Takitimu te waka
Ko Kahuranaki te Maunga
Ko Tukituki nga awa
Ko Mihiroa, Waipatu, KuruKuru nga hapu
Ko Erehapeti Rongomaiwahine Mohi taku ingoa
aka Rose Mohi

The Hastings District Council proposes to undertake earthworks to remove the remaining sections of the Te Mata Peak Track. My submission is in support regarding the application and I give the reasons for my views and questions others worthy of addition.

Although this application covers a small portion of Te Mata Peak Eastern Escarpment unless the whole area is mentioned, to take a small amount of a larger whole could have future ramifications.

From growing up on the lower slopes of Te Mata Peak to involvement with following organisations -

- Te Mata Park Trust – trustee for 7+ years
- Te Mata Park – Manu Whenua group
- HDC – Reference Group – member since inception Jan 2018
- Te Taiwhenua o Heretaunga – Te Pou Mataara Hou & Kahui Kaumatua
- Hawke's Bay Historic Places – committee member 15 years
- MTG – Te Roopu Kaiawhina Taonga – chair 10 years.
- Waimarama Maori Committee
- Mihiroa Marae committee
- Waipuka Incorp – Dpt Chair
- And own personal research, see – bibliography

RESOURCE MANAGEMENT ACT

Part 2 RMA

Section 6 Matters of National Importance

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

Obviously, Te Mata Peak is outstanding natural landscape and should have been protected from inappropriate use or development which Craggy Range Ltd attempted to do.

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

Although the land has passed out of our ownership we retain guardianship as "Kaitaitanga" responsibility to protect and maintain the resources of the land. Many stories, traditions rest with our whanau – "Matauranga"

"Today the Maoris don't own the land. All they own are the traditions. They own the mythical part of Te Mata Peak. That still remains but how can that be conveyed to the authorities?"

Tama Tomoana 1998

Over 20 years later, we still have difficulty making this point.

Section 7

Other Matters

"those natural or physical qualities and characteristics of an area that contribute to people's pleasantness, aesthetic coherence, and cultural and recreational attributes"

The wording goes on to say the effects will be more than minor, and less than minor in the long term.

In short, this application for track removal is consistent with RMA.

(Brings to question if the original application formation of track was consistent with RMA. We were denied opportunity of public notification.)

Historical account –post 1800

According to Hanson Turton's Deed No 15

Prior of the Maori Land Court 1866.

Te Mata land block had x3 dates when passed out of Maori hands 17 Nov 1856 – a trifling sum of money and interestingly not registered by Turton 18th Feb 1876.

Ten original grantees demonstrate descent from noted ancestor / tipuna Te Rehunga - today includes hapu Ngati Mihiroa, Hawea, Waimarama.

Obviously the land was an illegal rental. I believe my great grant mother

PukePuke Tangiora of Mihiroa Marae, Pakipaki was the principal owner, with hereditary rights reaching back many generations, giving her descendants

customary authority "Mana Whenua". We continue retain ownership of nearby coastal lands.

Craggy Range Track

Building /earthworks evident from Dec 2017 reported to authorities, highlighted on national television, newspapers and eventually demonstrations. The track was poorly executed and neither well considered or well conceived. Craggy Range Winery agreed to remove track.¹ Demonstrations continued as they refused to honour their word.

The mediation of the upper section of the Craggy Range Track 'Emergency Works' in Oct/Nov 2018 was well received and the shortcomings became more marked. Most of the scar remained and we continued demonstrations as expression distaste.

Sage Planning² with Hastings District Council

The Sage report states land ownership in the hands of Jeffrey Drabble and Felicity Dobell-Brown and neighbouring occupier named as Craggy Range Vineyards; Lot 3 DP 316592 and Lot 3DP 408476 (CFR: 4591840) with total land mass 51.93 acres.³

The Craggy Range Track was fenced in 2017 and was surveyed to become a 4.92 hectares parcel under OIO regulations for overseas residents.⁴ Also, Application was for Right to Take and Right to Convey Water⁵

Recommendations from Cultural Impact Report⁶

1. Removal of Craggy Range Track and re-instatement of relevant soil and grassland ecosystems.
 - Others include kawa, kaupapa, tikanga, karakia, te reo.
 - Increased protection of wahi tapu, wahi taonga, wahi tipuna.
 - Co-governance and water conservation.
 - Pest management.

¹ Media Statement Dec 2017.(see- Addition p.1)

² Land Use Consent Application Removal etc. 14 Jan 2019

³ Sage, Fig2 p.3

⁴ Nous map proposed track application (see-Addition p.2)

⁵ Towards an Understanding of the Maori (cultural) Wellbeing etc 2018 p.86 Fig 28 (see Addition p.3)

⁶ Towards an Understanding of the Maori (cultural) Wellbeing etc 2018

Boffa Miskell Report

Although the so-called activity does not involve discharge of any contaminant – I note on ⁷ under weed control

“Spray weeds with spot spray or selective herbicide”

Given the Boffa Miskell Report describes the locality as ‘seep wetland’⁸ the spray and herbicide will end up in underground ‘water seep’ to the TukiTuki river.

Archaeology

A walk over 7 Dec 2018 by archaeologist had no remit to investigate further – given the complexity and other already notified sites and with possibility of *koiwi tangata*, pit clusters, terracing and associated features remains high. Reporting of Archsite V21/180 and V21/182 in 1963⁹, and many other recorded archaeological sites in the wider area make it obvious Archaeological Authority be sought from Heritage NZ for invasive earthworks associated with the track remediation work, as requested.

Recommended

The Hastings District Council proposes to undertake earthworks to remove the remaining sections of the Te Mata Peak Track. My submission is in support regarding the application.

⁷ Draft 8333 Turf Laying and Grass seeding p.4

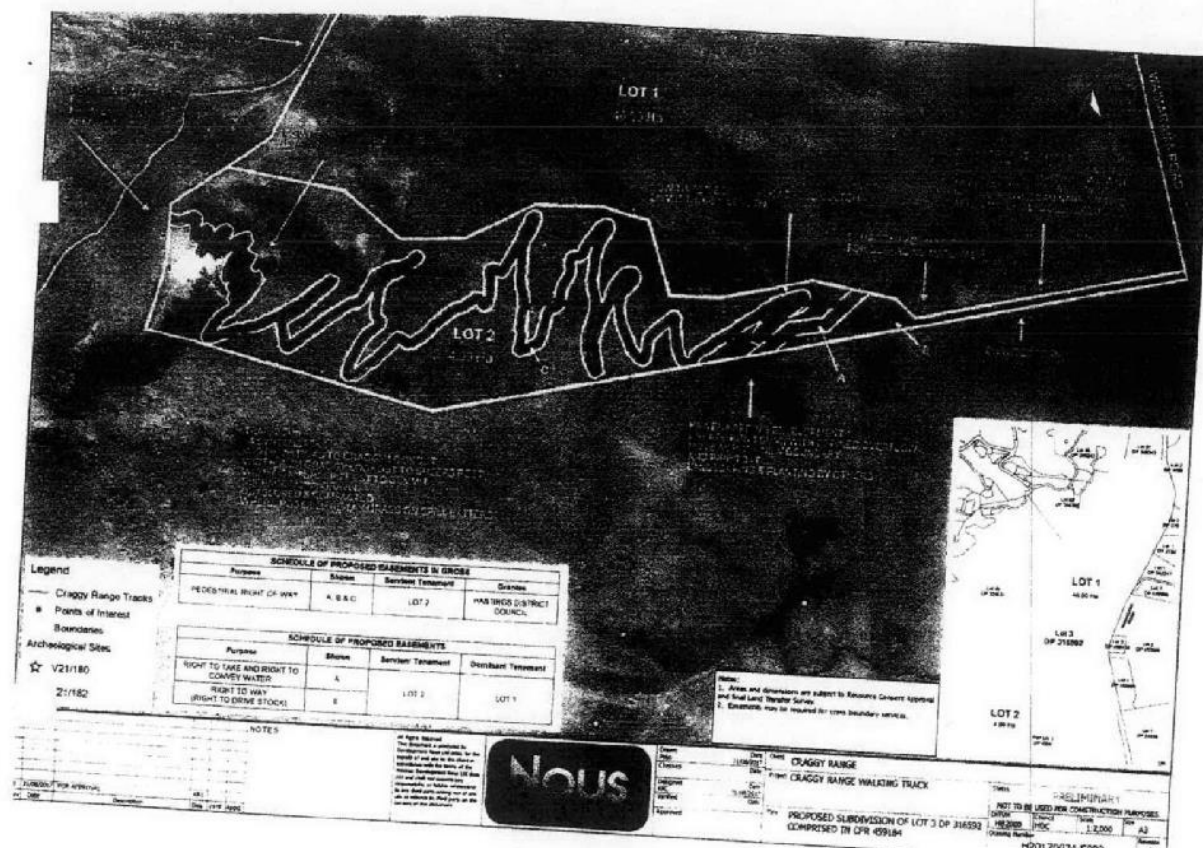
⁸ Te Mata Peak – Ecosystem Types fig 4. Sage Report

⁹ Sage –Archaeology p. 1-5.

Addition p.2.

Item 2

Attachment 21



Addition p.3.

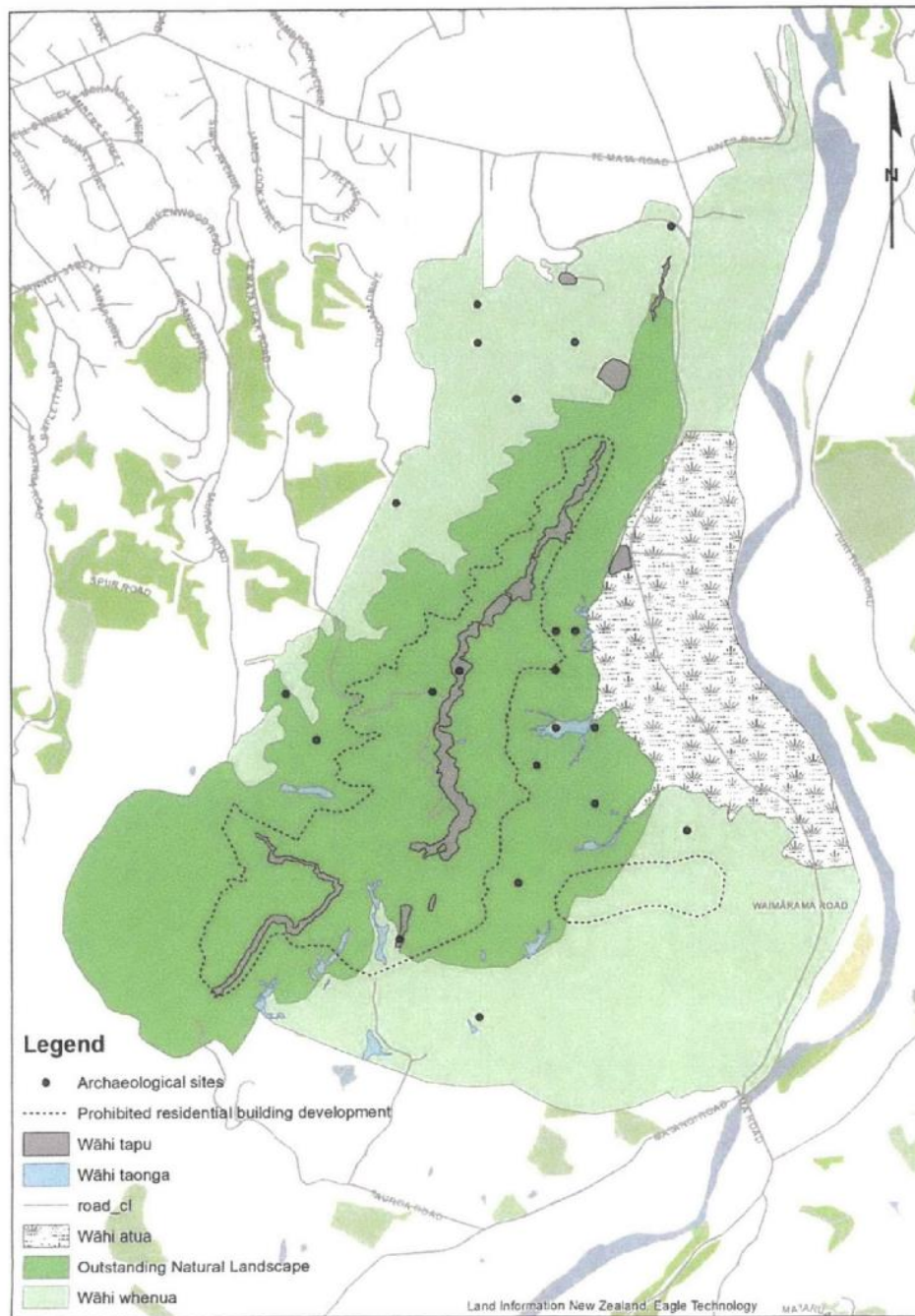


Figure 28 A map of the Te Matā ... Te Mata te Tipuna study area that depicts recommended planning zones in addition to the existing Outstanding Natural Landscape zone and registered archaeological sites



Rec'd
15/03/2009
12:30pm

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002

Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAIHĪHĒRA O HĒRĒTĀINGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: 5:00pm Friday 15th March 2019

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Brian, (Bruno), John Chambers

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>

Page 1 of 4



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TF KAIINIHFRA O HFRFTAIINGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

- 1- The adverse visual impact effects of the existing track on the landscape.
- 2- The contravention of HDC zoning rules for ONF areas to permit the track to be built.
- 3- The inadequacy of the Hudson landscape report on the effects of the track, and the omission of having the report peer reviewed.
- 4- The disregard of the landscape reports, that the HDC previously commissioned. ie The Isthmus report of 1996 and that done by Boffa and Miskall in 2013.
- 5- The lack of consultation with Maori and recognition of iwi and the cultural values associated with Te Mata Peak.
- 6- The disregard by HDC of its obligations under section 6 and 7 of the RMA

2. **My submission is:** (whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)

I support the HDC resource consent application to remove all the remaining Craggy Range track and to reinstate it to its previous condition.

The visual effects of the existing track are clearly more than minor from many vantage points within Te Mata Park and Waimarama Rd and Tuki Tuki Rd. It should never have been progressed without public notification. The views of Te Mata from these points are used to sell and promote Hawkes Bay in countless publications, promotions and advertisements etc , and it is probably the most significant landscape in Hawkes Bay. It should never have been compromised in this way.

The fact iwi were not consulted was a clear breach of the HDC's own rules and Treaty of Waitangi obligations in the RMA to consult Maori. Ignoring Maori cultural values was a major omission and an affront to them, that has resulted in a very unfortunate racial back lash within the community.

There was inadequate planning for parking and the resultant safety issues of having large numbers of vehicles stopping in an open speed limit area.

I note that the landowners also support the application to remove the track.

I also support the summary and recommendations of the Boffa and Miskell report. I believe the comments below from their report high light the travesty of the existing track.

Whilst this assessment is not required to address the landscape and visual effects of the track, it is considered the resultant alignment and profile of the track has resulted in significant adverse landscape and



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TF KAIINIHFERA O HFERETAIINGA

visual effects. The track is incongruent with the biophysical, sensory and associative values attributed to the site and Te Mata ti Tipuna as a whole.

1. The existing track as a whole is considered to have a high to very high adverse visual effect on the aesthetic qualities of the feature. The proposed remediation seeks to lessen these effects and reintegrate the affected area into the natural landscape

I hope that any future track plans will acknowledge the mistakes that have been made and move forward with extreme caution.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

I strongly support the application by the HDC to remove / remediate the Craggy Range track and wish this application to be granted

I declare myself to be a trustee on the Te Mata Park Trust Board but my submission is a personal one.

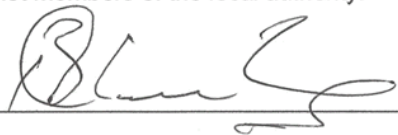
4. I wish to be heard in support of my submission, or yes ☐
 I **do not** wish to be heard in support of my submission ☐
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or yes ☐
 I **do not** wish to present a joint case ☐



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TF KAIINIHFRA O HERETAINGA

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: 

Date: 15-03-19

(A signature is not required if you make your submission by electronic means)

E-Mail:

bc.tuki@gmail.com

Postal address for service of submitter: (If an organisation, include contact person)

PO Box 8223

Havelock North 4157

Daytime Phone No: 0274762635 _____

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.

Page 4 of 4

Item 2

Attachment 22



3.17pm

HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 671 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

Submission on Publicly Notified Resource Consent Application: RMA20190006 – Proposed Craggy Range Track Remediation

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Christopher Malcolm Coop and Dale Coop

APPLICATION: _____

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

See paragraph 10.3 section 7 other matters (c) maintenance and enhancement of amenity values and (f) maintenance and enhancement of the quality of the environment.

Also see Boffa Miskell Recommendations and Conclusion.

2. **My submission is:** *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

I support the application in its entirety because of Sections 7 (c) and (f) of the RMA.

I agree with the planned mitigation and I Also agree that the temporary adverse effects are less than minor.

I agree and support the application work being done according to the application.

I also support the Boffa Miskell recommendations and conclusion on pg 72 of the application.

We reside across the Tuki Tuki River from Te Mata Peak, and the Craggy Range Track is visible from our property. If we were given an opportunity to oppose the track before it was built we would have done so strongly.

Te Mata Peak is a landmark of special significance to the wider community and should be accorded with special protection. In the meantime, as the Hastings District Council allowed the track to be built, it is appropriate that it bear some responsibility for rectifying it.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

I wish the application to be granted in full.

The conditions as proposed by the applicant are fully supported



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

4. I wish to be heard in support of my submission, or
I do not wish to be heard in support of my submission
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or
I do not wish to present a joint case
6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Date: _____

(A signature is not required if you make your submission by electronic means)

E-Mail: c.d.coop@waspnet.co.nz

Postal address for service of submitter: (If an organisation, include contact person)

877 Tuki Tuki Road, R D 12, Havelock North 4294

Daytime Phone No: 06 8747830

0278747830

Fax No:

Notes: _____

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Page 3 of 4

Item 2

Attachment 23



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 571 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.

As a resident in Tuki Tuki Valley for
100yrs + paying in excess of \$20,000 rates
per year we cannot understand why we were not
consulted as we do really care and feel
eastern side should remain natural,
unscathed definitely



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: 5:00pm Friday 15th March 2019

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s): **Te Taiwhenua o Heretaunga Trust**

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

The location of the proposed activity to take place is at Waimārama Road, Havelock North on Lot 3 DP 316592 and Lot 3 DP 408476 (CFR: 459184).

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

The Te Mata Peak Track was constructed in contravention of the Hastings District Council rules and should not have been built as follows:

- a) slope in ONFL
- b) volume of earthworks – more than 200 cubic metres.

Therefore, removal of the track is paramount. If it stays it is precedent setting.

2. **My submission is:** *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

NB; Please read the attachment

I/We strongly support the application for the earthworks required to remove the remaining sections of the Te Mata Peak Track, to reinstate the original contours of the land and restore the land cover to pasture for the following reasons:

- a) The remediation earthworks will be no more than minor in the short term and less than minor in the long term. The track was built in contravention and breach of the HDC Plan, therefore reversing the scar on the cultural landscape is able to occur and be rectified.
- b) The HDC District Plan associated rules and processes require a major review toward a new plan change in particular to provide assurance that the plan is fit for purpose.

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

- 1. Hastings DC be granted the application based on the concern's issues raised in my submission
- 2. That the proposed works be undertaken is guided by cultural oversight with the local tangata whenua.

Tick the box that applies to you

4. I wish to be heard in support of my submission, or

☒

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

☐

5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or

☒

I **do not** wish to present a joint case

☐



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Date: _____

(A signature is not required if you make your submission by electronic means)

E-Mail: Marei.Apatu@ttoh.iwi.nz

Postal address for service of submitter: (If an organisation, include contact person)

P.O Box 718

HASTINGS

Daytime Phone No: 06 8715350

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.

14th March 2019

Hastings District Council
Private Bag 9002
Hastings 4156

Submission on Publicly Notified Resource Consent Application – RMA20190006 – Craggy Track Remediation

FROM: Te Taiwhenua o Heretaunga Trust

- A. Te Taiwhenua o Heretaunga is one of six Taiwhenua - regions within the traditional tribal boundary of Ngāti Kahungunu from the Paritu awa in the north to Turakirae awa to the south.
- B. Te Taiwhenua o Heretaunga have the highest resident Māori population within the tribal rohe and the smallest geographic area.
- C. Te Taiwhenua o Heretaunga comprise 15 Marae hapū that have just recently completed their respective elections to put forward their marae hapū representative on to the governance board 'Te Haaro'
- D. Therefore a fresh mandate from each marae hapū provides the basis for our Taiwhenua to act on their behalf where approval is given.
- E. The Te Haaro Board have also mandated a further Board, Te Runanganui o Heretaunga to meet discuss and preside over all matters to do with ecological environmental that effect the wellbeing of tangata whenua
- F. Both Te Haaro and Te Runanganui are in complete support to remediate the Craggy Track.
- G. The Taiwhenua o Heretaunga were engaged through the Te Manaaki Taiao Unit (TMT) to provide the Hastings District Council the Cultural Impact Assessment – Towards an Understanding of the Māori (cultural) wellbeing and survival aspirations that ngā hapū o Heretaunga have for Te Mata, Te Matā, Te Mata o Rongokako, Te Karanemanema o Te Mata o Rongokako.
- H. We understand that we do have a conflict of interest but make ourselves available to respond to any items and matters that may be asked of us.
- I. For those tangata whenua that wish to speak to their respective submissions solely or jointly that provision to block those in support of the track remediation are all put together

Our position

Te Mata is an ancestor, a maunga tapu, a taonga tuku iho to mana whenua. The construction of the Craggy Range walking track on Te Mata Peak with consent granted by

Hastings District Council was an error in both process and judgement. The removal and remediation of the track seeks to correct this error and in so doing gives effect to the responsibility of mana whenua to protect and enhance the mana of Te Mata.

We support all the comments put forward by our parent body Ngāti Kahungunu Iwi Inc to

1. Support restoration of the Landscape and removal of the track.
2. Support the summary of information and statutory landscape provided in their submission, the consent was inappropriate in the first instance, and adversely affected the cultural values and interests of Ngāti Kahungunu and Heretaunga hapū.
3. As kaitiaki the restoration of the mauri and mana of the landscape is an obligation.
4. There has been significant indirect consequences of the track and desecration of this significant landscape on the cultural identity and expression of tangata whenua. Unintentional as it may be, to allow such an activity has demonstrated a significant disregard for the most significant values of tangata whenua. In doing so this not only granted and legitimized the development of the track and desecration of cultural values but also legitimized to an extent the negative expression and challenges by sections of the community towards tangata whenua values and their rights to having the cultural significance of Te Mata recognized. Arguably this has been more harmful to the relations between tangata whenua and the rest of the community than any other RMA decision to date. As tangata whenua struggle to protect what sites of cultural significance remains while often in opposition with some sections of the Hastings Community who place higher value on recreational and leisure activities.
5. Unlike Hastings District Council sections of our community do not have the same responsibility or perhaps knowledge as the statutory authority.

Consultation

6. It is recommended that Hastings District Council concentrate in the first instance on the significant matters first and foremost without the inclusion of non-significant matters as to clearly and unequivocally remove the incorrect expectation and assumption that culturally significant sites 'may' be open for business and or leisure. By entertaining discussions of any related leisure activities Council is fostering a distraction to the important decision and reconciliation it has before it.

Marei Apatu

Te Kaihautu

Te Taiwhenua o Heretaunga

06 8715350

Marei.Apatu@ttoh.iwi.nz

Item 2

Attachment 24



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAIINIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s): Te Mata Peak Peoples' Track Society Inc.

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAIINIHERA O HERETAINGA

1. **The specific parts of the application that my submission relates to are:**

(Please continue on separate sheet(s) if necessary)

Consideration of alternatives and consent conditions

2. **My submission is:** *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

Supported, subject to appropriate consideration of alternatives and/or appropriate conditions

Refer attached

3. **I / We seek the following decision from the Hastings District Council:**

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

We seek that the Council (as applicant) and the consent authority consider alternatives, including the offering up or imposition of conditions requiring Council (as applicant) to enter into a binding agreement or other appropriate commitment to a process and timetable for public consideration of alternatives to replace the Craggy Range Track and other public access and amenity in the eastern face of Te Mata Peak, in an integrated fashion that respects the range of community views. The extent of consideration of alternatives, and the detail of such conditions and process they relate to, can be considered further, including between the parties as part of any hearing process.

4. I wish to be heard in support of my submission.
5. If others make a similar submission I will consider presenting a joint case with them at any hearing.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAIHĪHĪRA O HERETAINGA

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____

Date: 15/3/19

(A signature is not required if you make your submission by electronic means)

E-Mail: xan.harding@xtra.co.nz

Postal address for service of submitter: *(If an organisation, include contact person)*

C/- Xan Harding

2091 Maraekakaho Road, RD 1 Hastings 4171

Daytime Phone No: 027 6127927

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAIHĪHERA O HERETAINGA

Submission of Te Mata Peak Peoples' Track Society Inc ('the Society')

1. The Society was formed in April 2018 to represent the public interest in the Craggy Range Track and to provide a voice for the more than 24,000 people who petitioned in support of it.
2. The Society's philosophy is encapsulated by the following principles that were adopted on its foundation:
 - i. *We are unashamed supporters of the Craggy Range Track as a fantastic addition to recreation and tourism in Hawkes Bay.*
 - ii. *We recognise that there is a large majority of public support in favour of the Track but also significant opinion against it.*
 - iii. *We support resolution of the future of the Track through local dialogue, local consensus building and pursuit of win-win solutions to heal the division in the local community.*
 - iv. *We acknowledge that Iwi have a particular interest in Te Mata Peak and were not properly consulted about the Track.*
 - v. *We recognise that the eastern side of the Peak, although highly modified from its natural state, has outstanding scenic as well as cultural, recreational, ecological and biodiversity values all of which must be preserved and if possible enhanced.*
 - vi. *We recognise that whilst there are conflicting views about the Track, they are grounded in the same well-intentioned concern to do what is best for our community.*
 - vii. *We are committed to the support of rational and open public debate on the future of the Track and the public interest in the eastern side of the Peak, whatever the outcome.*
 - viii. *The Society will conduct itself at all times with honesty, integrity and openness in the spirit of the public good we support.*
3. Since incorporation, we have been an active and respectful participant in the significant public debate around the "Craggy Range Track", as well as in Council's Track Reference Group, at all times striving to recognise and respect the range of community views whilst advocating for the merits of the Craggy Range Track and the importance of proper consideration being given to the full range of values it embodies.
4. The Society took particular interest in Council's decision to invoke emergency powers to remediate the top section of the Craggy Range Track. Society members inspected the Craggy Range Track to check Council claims of the need for emergency works and took legal advice. Together, these measures confirmed in the view of the Society that Council was vastly exceeding its legal authority in proceeding with the remediation. Based on the legal advice (provided to the Council), the Society considered invoking legal measures to prevent the remediation but decided against that action, as we

Page 4 of 5



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAIINIHERA O HERETAUNGA

considered that such a step would undermine the collaborative Reference Group process.

5. Subsequently, on notification of this consent application, the Society took legal advice on the status of the Craggy Range Track and the full remediation proposal. That advice (also provided to Council) is that, as the Track is a validly consented activity providing major public amenity, Council is obliged to consider alternatives.
6. Despite request, Council has refused to engage in dialogue with the Society over a process and timetable for the public consideration of alternatives in supporting this major public amenity.
7. The Society is concerned that Council has back-tracked on undertakings made as part of the Reference Group process in 2018, for a process of public consultation about alternative access on the eastern side of Te Mata Peak. The Society is also concerned that the Reference Group does not have an agreed Terms of Reference and that the minutes of the Reference Group meetings do not always adequately represent the proceedings of that group.
8. The Society and all of the Reference Group members are aware of a number of other proposals involving a number of parties (including Hawke's Bay Regional Council, local landowners & intending donors) for initiatives to provide integrated and respectful public access and biodiversity enhancement to the eastern face of Te Mata Peak, all of which are being delayed and potentially compromised at least in part by the refusal of Council to commit to a process and timetable for public consultation on these matters.
9. The Society accepts that in all the circumstances, remediation of the Craggy Range Track as sought in the consent application is an appropriate activity but submits that in all the circumstances it ought to be accompanied preferably by public consultation on alternatives and if that is not possible or would cause undue delay, then a binding commitment from Council on a process and timetable for such action.
10. The Society considers the remediation of the Craggy Range Track to be a necessary and inevitable step to resolve community concerns and remove the roadblock it represents to progression of other initiatives involving the eastern face of Te Mata Peak and alternative public access thereto. The Society prefers to see this consent application being approved as soon as possible (with acceptable conditions), including if practicable by negotiation prior to any hearing to avoid the necessity for such.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: 5:00pm Friday 15th March 2019

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s):

Renata Tomoana – Chair Waipatu Marae Committee

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

The location of the proposed activity to take place is at Waimārama Road, Havelock North on Lot 3 DP 316592 and Lot 3 DP 408476 (CFR: 459184).

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. The specific parts of the application that my submission relates to are:

(Please continue on separate sheet(s) if necessary)

The Te Mata Peak Track was constructed in contravention of the Hastings District Council rules and should not have been built as follows:

- a) slope in ONFL
- b) volume of earthworks – more than 200 cubic metres.

Therefore, removal of the track is paramount. Support remediation for scenic / archaeological / public amenity / cultural reasons. If it stays it is precedent setting.

2. My submission is: *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary)*

I/We strongly support the application for the earthworks required to remove the remaining sections of the Te Mata Peak Track, to reinstate the original contours of the land and restore the land cover to pasture for the following reasons:

- a) The remediation earthworks will be no more than minor in the short term and less than minor in the long term. The track was built in contravention and breach of the HDC Plan, therefore reversing the scar on the cultural landscape is able to occur and be rectified.
- b) The HDC District Plan associated rules and processes require a major review toward a new plan change in particular to provide assurance that the plan is fit for purpose.
- c) Waipatu Marae Committee supports the remediation of the Craggy Range Track. This submission is directed from a meeting that was held at Hui a Hapu at the marae on May 29th 2018 which stated that the track must be remedied repatriated, restored before any other Track around Te Mata can be considered at all.

3. I / We seek the following decision from the Hastings District Council:

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

- Hastings DC be granted the application based on the concern's issues raised in my submission
- That the proposed works be undertaken is guided by cultural oversight with the local tangata whenua.

Tick the box that applies to you

4. I wish to be heard in support of my submission, or ☐
- I do not wish to be heard in support of my submission ☒
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☐
- I do not wish to present a joint case ☒



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: Renata Tomoana

Date: 15/03/2019

(A signature is not required if you make your submission by electronic means)

E-Mail:

Postal address for service of submitter: *(If an organisation, include contact person)*

Daytime Phone No: _____

Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
4. Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.
5. All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz
TE KAUNIHERA O HERETAUNGA

**Submission on Publicly Notified Resource Consent Application:
RMA20190006 – Proposed Craggy Range Track Remediation**

Form 13 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Date Submission Received at Hastings District Council: _____

Date Submissions Close: **5:00pm Friday 15th March 2019**

To: Environmental Consents Manager
Planning & Regulatory Services
Hastings District Council
Private Bag 9002
Hastings 4156

PERSON(S) MAKING SUBMISSION:

Full Name of Submitter(s): Te Mata Park Trust
Board

APPLICATION:

This is a submission on an application from **Hastings District Council** who propose to undertake earthworks required to remove the remaining sections of the Te Mata Peak Track (commonly known as the Craggy Range Track), reinstate the original contours of the land, and restore the land cover to pasture.

Further details can be found online:

<https://www.myvoicemychoice.co.nz/>



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

1. The specific parts of the application that my submission relates to are:

(Please continue on separate sheet(s) if necessary)

1. The Te Mata Park Trust Board is unanimously in favour of the earthworks required for remediation of the "Craggy Track".
2. The Te Mata Park Trust Board is concerned that the initial approval to construct the "Craggy Track" was in contravention of processes and rules stipulated by Hastings District Council.
3. The Trust Board is concerned about the lack of consultation with Maori, prior to the project beginning, and, consequently, the depth of hurt experienced by members of local iwi.

2. My submission is: *(whether you support, oppose or are neutral regarding the application or specific parts of it and the reasons for your views. (Please continue on separate sheet(s) if necessary))*

The Te Mata Park Trust Board is unanimously in favour of the remediation of the "Craggy Track", to reinstate the land to its original condition, and to the satisfaction of all stakeholders. Te Mata Peak is a landmark of special significance across the wider community, and should be accorded with special protection.

3. I / We seek the following decision from the Hastings District Council:

(Please give precise details, including whether you wish the applicant to be granted or declined or are neutral, and if applicable, the parts of the application you wish to have amended and the general nature of any conditions sought. Please continue on separate sheet(s) if necessary)

We strongly support the remediation of the "Craggy Track" and wish this application to be granted.



HASTINGS DISTRICT COUNCIL
 207 Lyndon Road East
 Hastings 4122
 Private Bag 9002
 Phone 06 871 5000
 www.hastingsdc.govt.nz
 TE KAUNIHERA O HERETAUNGA

4. I wish to be heard in support of my submission, or **YES** ☒
 I **do not** wish to be heard in support of my submission ☐
5. If others make a similar submission I will consider presenting a joint case with them at any hearing, or ☐
 I **do not** wish to present a joint case **We do not wish to make a joint case** ☒
6. Note: As requested by the applicant pursuant to section 100A Resource Management Act 1991, this application will be heard and decided on by independent hearings commissioners who are not members of the local authority.

Signed: _____ Mike Devonshire _____ Date: 20 March 2019

(A signature is not required if you make your submission by electronic means)

E-Mail:

_____ mikedevonshire@hotmail.com _____

Postal address for service of submitter: (If an organisation, include contact person)

_____ PO Box 8151, Havelock North
 4156 _____

Daytime Phone No: 021 511 661 _____ Fax No: _____

Notes:

1. You must serve a copy of your submission on the applicant (details in the application) as soon as reasonably practicable after you have served your submission on the Hastings District Council.
2. If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.



HASTINGS DISTRICT COUNCIL
207 Lyndon Road East
Hastings 4122
Private Bag 9002
Phone 06 871 5000
www.hastingsdc.govt.nz

TE KAUNIHERA O HERETAUNGA

4. *Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):*
- *it is frivolous or vexatious;*
 - *it discloses no reasonable or relevant case;*
 - *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;*
 - *it contains offensive language;*
 - *it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*
5. *All submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of this resource consent.*

Item 2

Attachment 27