

1 June 2022

Tēnā koutou e ngā Mana Whakahaere – Hearing Commissioners

**RE: Hearing of Application for Resource Consent (APP 2020203164.01)
Response to HRC Minute No.2 of Hearing Panel**

Executive summary

In light of the released minute on 08 May 2022 regarding the adjournment of the hearings closing statements by Grenadier Limited (the Applicant), Ngāti Tukorehe provide an account of our position and activity subsequent to the presentation of evidence on the 04 May 2022.

- **Minute extract**

- ***B: Hearing Adjournment and Purpose***

- *3. The applicant has requested an opportunity to reflect on the values and issues presented by submitters and to continue the discussions with them that had commenced prior to the hearing, before presenting its closing statement. The parties need time to progress those discussions. The applicant proposed a four-week period for that (ending Friday 3 June 2022). The Hearing Panel is happy to grant the requested adjournment and encourages all parties make best endeavours to engage in discussion on the live issues during that time.*

- **Grenadier Limited:**

Grenadier Limited advised the Commissioners that in terms of formulating their final response, they wanted to reflect on the values shared and issues revealed in the presentations and submissions that took at the hearing.

- **Ngāti Tukorehe:**

As indicated to the Applicant prior to the hearing, Ngāti Tukorehe would be willing to continue to engage with the Applicant post hearing after we presented to the Commissioners, the Applicant and forum. We also acknowledge the request of the Commissioners encouraging all parties to make best endeavours to engage (as noted in the minute extract above).

- **Engagement:**

Our understanding of engagement is where both parties views are recognised and that there is genuine goodwill to follow an agreed and defined engagement process. In this instance it was the opportunity to work towards appropriate and successful outcomes for both parties.

Our expectation based on the above, was that the Applicant would provide reflections and insights of their learnings (what was said and shared at the hearing) on the 04 May – this is in line with the Minute extract noted above. We anticipated that this would provide for a platform to allow both parties to identify common areas where we may be able to pick up the conversation regarding values and the associated issues towards genuine consulted engagement and outcomes.

- **What occurred:**

The follow activities took place subsequent to the hearing adjournment: a series of emails from the Applicant and Ngāti Tukorehe to each other, text messages (from the Applicant) and follow up phone calls (from Ngāti Tukorehe regarding the process status), two zoom meetings hosted by Ngāti Tukorehe and attended by the Applicant – on Saturday 24 May and Sunday 25 May.

- **Status update:**

It is the opinion of Ngāti Tukorehe, that the intermediary meetings and discussions held between Ngāti Tukorehe and the Applicant whilst conducted in a professional and respectful manner, produced a poor standard of engagement by the Applicant.

- The Applicant wanted time to reflect on values and issues surrounding evidence submitted at the hearing. It is difficult to see where the inclusion of Te Iwi o Ngāti Tukorehe values (whakapapa, kawa, tikanga) has been taken into consideration. This can only happen with engagement – no engagement on this significant kaupapa has taken place.
- Documents and plans were shared by the Applicant to inform and seek approval without genuine consultation, nor the avenue for negotiation. This highlights the lack of meaningful engagement.
- All areas of importance for Ngāti Tukorehe were of no real consideration for the Applicant and the suggested high level exclusions - amendments discussed by Ngāti Tukorehe, were deemed non negotiable by the Applicant.
- Ngāti Tukorehe concluded that this puts both parties at an impasse and the ability to move forward together is futile.
- The Applicant presented amendments based on selected issues that affected them only. Primarily the situation of Hole 14 and some ecological amendments.
- The remedy to address Ngāti Tukorehe's concerns and issues regarding engagement, co-design regarding the surrounds of Tirotirowhetu - our pā site, wāhi tapu, taiao and farm is best described as tokenistic and left us with a deep sense of sadness and anger – it was yet another trampling of our iwi mana by the Applicant.
- In order for us to move forward, we advised that Tirotirowhetu would need to be excluded from the course design. We were advised that this was not possible and non-negotiable.

- **Timeline:**

An interaction timeline is listed below. Ngāti Tukorehe wishes to highlight that we were actively interacting with the Applicant, however by understanding of definition this does not mean that there was any genuine engagement made towards or with us by the Applicant.

- **07 May 2022** - Minutes directed by the Commissioners for the Applicant to undertake our engagement with a key focus on the live issues as well as matters outstanding.
- **07 May 2022** - Correspondence sent to Ngāti Tukorehe by Grenadier Limited requesting for further engagement primarily on the matters outstanding.
- **08 May 2022** - Correspondence sent by Ngāti Tukorehe to Phil Tataurangi confirming our intention to engage further with a proposed timeline – Annex 1.
- **13 May 2022** – A phone conversation between Lindsay Poutama & Phil Tataurangi querying why we had not received a response from our previous correspondence sent on 08 May 2022.
- **14 May 2022** – A further phone conversation between Lindsay Poutama & Phil Tataurangi – an update by the Applicant regarding their proposal and confirmation that the Applicant will be ready to present their proposal on 21 May 2022.
- **21 May 2022** – A zoom meeting held between Ngāti Tukorehe & the Applicant - proposed amendments by the Applicant. (Annex 2 – recording attached).
- **22 May 2022** – A Zoom meeting held between Ngāti Tukorehe & the Applicant – Ngāti Tukorehe response the Applicant. (Annex 3- recording attached).

- **Reiterating Ngāti Tukorehe position:**

Ngāti Tukorehe make the following comments regarding the submission and amended changes from the Applicant- Grenadier Ltd.

Mai i Ohaunuihanaia ki Waikawa ki te hukahuka o te tai,
ara te puwaha o Ohau; ki te Pou o Ngāti Pareraukawa.
Ko Tirotirowhetu kei ko mai, ko te Pa Harakeke kei ko atu,
ko Te Hakari tiro whanui atu ko Tahamata,
kei te tua whenua ko Tikorangi, ko Poroporo, ko taku tuara tonu,
ko te pae maunga ko Tararua, ko ana Poutihi
hei turangawaewae mo te tupuna a whare o Tukorehe.

Tirotirowhetu papa kāinga contains wāhi tapu, wāhi tupuna and wāhi karakia, which are intrinsic parts of who we are as whānau, hapū and Iwi of Ngāti Tukorehe. The irony of identity is that Tirotirowhetu is also acknowledged and confirmed by others, which has allowed others to have a relationship with it as well, albeit different from our enduring relationship despite land tenure disassociations.

The Applicant's lack of consultation process and amended proposal has a major cultural impact on Ngāti Tukorehe. This shortfall heightens a collision between eurocentric and Māori values, whereby the restricted recognition of our values are as if they are at odds with, or in conflict with the Applicants.. This goes deeper than identity into a preference of one worldview at the expense of the other.

The cause of the separation of Tirotirowhetu from Ngāti Tukorehe hands should not be seen as an abandonment of it, or a lack of interest in it - quite the contrary, it has been kept alive through historical accounts, narratives, research, environmental projects, TV documentaries as well as our educational programs run by Patumakuku Inc.

In our role as kaitiaki, we brought a perspective to the hearing where we believed that the Commissioners and the Applicant would listen to and that our concerns would be heard. We clearly outlined that the site, the ahuotaota middens and the land surrounding them, was considered a wāhi tapu and that as a region with special sites within it, **the whole Tirotirowhetu area should be left alone.**

The lack of acknowledgment of the long term pollution risk of stray golf balls. The Applicant has commented that they have submitted a mitigation plan (training greenskeepers to collect the stray balls and then return/resell/reuse. Often these balls are damaged and golfers are not keen to use them again. This is a significant issue for Ngāti Tukorehe, we would have preferred to get our own independent assessment of the flight path of golf balls over the proposed course. The reality of time and financial constraints inhibit this from happening in a timely manner for the hearing and to date. Golf balls cannot easily be found and if lost they will stay in the environment forever. Such a pristine and fragile whenua, awa, dunes and moana, kai moana, farms/farm animals should not be subject to this pollution. The effect of a golf balls in this area will be significant for many generations to come as they are litter in a natural environment.

Our role as guardians of our area is to ensure that any person entering that area can do so in a physically, spiritually and culturally safe manner, but as kaitiaki we can give no assurance at all over any of the three states mentioned. We cannot protect someone from their own ignorance of our values, by any minimising of them, or attempting to risk-mitigate them.

Our role as kaitiaki in this instance is to protect others from their ignorance or foolishness.

The lack of acknowledgment of the long term pollution risk of stray golf balls. Grenadier Ltd have commented that they have submitted a mitigation plan (training greenskeepers to collect the balls and then sell/give them back. Often these balls are damaged golfers are not keen to

use them again. We would have preferred to get our own independent assessment of the flight path of golf balls over this course - an issue of time and resources to do so, has meant this has not occurred to date. Golf balls cannot easily be found and if lost they will stay in the environment forever. Such a pristine and fragile whenua, awa, dunes and moana, kai moana, farms/farm animals should not be subject to this pollution. The effect of a golf balls in this area will be significant for many generations to come as they are litter in a natural environment.

Mana has a number of forms, two of these forms are clearly misunderstood which is mana whenua and mana atua. The area where Tirotirowhetu is located was part of the Ohau Block 1, set aside specifically for Ngāti Tukorehe. We have never ceded that status nor connection to anyone.

By excluding Ngāti Tukorehe engagement until instructed to engage by HRC, has been a major cultural slur, and a lack of recognition of our link to Tirotirowhetu. The Applicant's process in determining recognition would have been obvious to anyone who had used a simple Google search, but that didn't happen in this instance. The use of the term 'primus inter pares' first amongst equals, served to further demean the status of Ngāti Tukorehe through the use of another colonisation tool by appointing another Iwi in state of primacy in relation to who Grenadier Ltd would engage with first. This advice on who to consult with by entities was significantly flawed, which we are addressing in a separate forum.

It is the arrogance of someone making that decision on our behalf, without our consultation that further undermines our mana, as well as a lack of understanding a key concept in Māoritanga that "no-one is more important than all of us."

Then the final act of the coloniser and in this instance the act of modern coloniser behaviours is to rename whenua after something or someone important to them. A name that does not belong or have genuine, authentic and historical connections (whakapapa) to that whenua. It is an act that callously tramples yet again on the mana of others for self recognition and acknowledgement. In June 2022, the reversal of these behaviours and tactics of self proclamation are taking place across Aotearoa.

It is clear that Tirotirowhetu riverine to sea area is a pivotal part of the allure of this land package for the Applicant and by diminishing or mitigating our concerns with ecological offsets or by calling subsequent meetings consultation is farcical. When calling meetings and choosing not to hear what the Ngāti Tukorehe is clearly articulating adds further insult to our mana. There is the perception that we are unable to protect our wāhi tapu in the manner that we, as clearly outlined in our submission and in subsequent meetings with the Applicant are committed to achieving.

If we look at just three of the elements or principles of importance based on Te Tiriti o Waitangi - Protection, Partnership and Participation - none of these have occurred for Ngāti Tukorehe. Ngāti Tukorehe has had to force its way into a consultation process. The protection of our knowledge, interests, values and other taonga have been lacking in any of the proposal or amendments to it.

Under Part 2 Matters of National Importance within the current RMA that will undergo major reform, we are absolutely positive that section 6 does not mean "recognise and ignore."

Section 6

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

Section 7

a) Kaitiakitanga

Section 8

... all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of Te Tiriti o Waitangi ([Treaty of Waitangi](#)).

We are absolute in our understanding that these matters listed do not mean “recognise and then ignore.”

The Applicant has already had a design with features upon Tirotirowhetu area as a key component, so much so that any concerns raised by Ngāti Tukorehe could easily be mis-construed as being against the development, as opposed to us standing up for the cultural and spiritual protection of a known sacred site and historical pā site.

The ideal of partnership is about forming and creating relationships founded under manaakitanga and whanaungatanga very early in the process so that they become integral parts of a co-design process where Cultural values are then raised, agreed to and/or mitigated, and based on this with due diligence, helps shape the final design. More importantly it becomes the co-creation of a shared collective vision.

Key elements of partnership have not been allowed to manifest themselves by a proposer who has carefully chosen a pathway of least or limited resistance in terms of relationships and engagement, and then how the Applicant have handled information, timeframes and responses.

To reiterate our ability to participate has been hampered by very late engagement. If you look at the timeframe that the Applicant has had to create the proposal before you, the manpower which has been put together, the technical, planning, archaeological, cultural (albeit limited), environmental and turf design expertise, supported by significant financial means, Ngāti Tukorehe has had to respond very quickly within short timeframes. There is gross inequity and disparity in this as our efforts as an affected party pales in comparison. However, while an alarming and disturbing situation we find ourselves facing, we will not shy away from the stand we steadfastly uphold – *Tōitu a Ngāti Tukorehe - Tirotirowhetu mo ake tonu atu. Uphold that is Ngāti Tukorehe – Tirotirowhetu protected forever.*

No reira,

Mai i te take o te maunga, ki te hukahuka o te tai, ki te rohe e mohiotia ana no Ngāti Tukorehe mo ana uri, me ana moetanga katoa.

Nā Te Komiti whakahaere o Ngāti Tukorehe



Tina Wilson
Chair, Te Iwi o Ngāti Tukorehe Trust
On behalf of Ngāti Tukorehe
(Iwi mandated authorities & Iwi)

ANNEX 1: Proposed Timeline as outlined by Ngāti Tukorehe

Saturday 7 th May	Send email to Grenadier Limited	Request clarity on approach now by Grenadier Ltd
Wednesday 11 th May	Receive response from Grenadier Limited	Review with Steering committee
Friday 13 th May	Reply to GL – send hui invitation	Include HRC, Are they happy for someone for Horizons to join as observer. Request someone from HRC Maori policy team – understanding of tikanga Māori. (Phillip Savage)
Saturday 21 st or Sunday 22 nd May	Hui to hear from GL	Ngāti Tukorehe to listen only.
Tuesday 24 th or Wednesday 25 th	Reply to GL regarding our P.O.V, potentially invite them back for us to convey our position	
Saturday 28 th or Sunday 29 th	Potential dates for 2 nd hui prior to their final resubmission.	

ANNEX 2: Recording of zoom meeting held on 21 May 2022 between Ngāti Tukorehe and the Applicant.

Saturday 4pm

Presentation by Grenadier regarding their position

<https://us06web.zoom.us/j/88582359310>

ANNEX 3: Recording of zoom meeting held on 22 May 2022 between Ngāti Tukorehe and the Applicant.

Sunday 11am

Ngāti Tukorehe response

<https://us06web.zoom.us/j/82525899933>