



12 November 2020

The Expert Consenting Panel
c/- Environmental Protection Authority
Level 10/215 Lambton Quay,
Wellington Central
Wellington 6011

Attention: June Cahill

By Email: june.cahill@epa.govt.nz

cc. klee@doc.govt.nz

Kia ora June,

Re: Response to Comments – LP13 Rāpaki Papakāinga Housing Development

1. On behalf of Te Mahi Korowai Trust (“**the Trust**”), we formally submit a response to the comments from Te Hapū o Ngāti Wheke Inc. relating to the Rāpaki Papakāinga Housing Development (LP13 – Papakāinga Development – Rāpaki, Christchurch). The comments were received at 10:29pm on 11th November 2020.
2. The Trust acknowledges that the comments hold the status and weight of the tribal collective represented by Te Hapū o Ngāti Wheke Inc., comprising more than 9,000 plus whānau of Ngāti Wheke registered with the Rūnanga.
3. It is relevant that all Trustees of the Trust whakapapa to Te Hapū o Ngāti Wheke. Furthermore, one of the Trustees is on the Executive Committee of Te Hapū o Ngāti Wheke.
4. The Trustees have advised that there have been discussions between Trustees and the Executive Committee of Te Hapū o Ngāti Wheke and Runanga members over the past 18-months regarding the proposed Papakāinga/Kāinga Nohoanga.
5. There has also been formal consultation with Te Hapū o Ngāti Wheke through the Mahaanui Kurataiao Ltd and Christchurch City Council resource consent process.
6. Te Hapū o Ngāti Wheke Inc has raised the issue of the ownership of the property at 2 Rāpaki Drive. We would clarify the ownership status of 2 Rāpaki Drive, based on a search of the Title records.
 - a. The property at 2 Rāpaki Drive is legally described as Section 33 Maori Reserve Rāpaki 875.
 - b. The registered owner is Te Runanga o Rāpaki Trust Board (renamed as Te Mahi Korowai Trust on 24th August 2017).



- c. The Native Land Court apportioned Section 33 Rāpaki Native Reserves 875 (2 Rāpaki Drive) to Heretini Manihera, Tatana Tohitu, Ruruhira Te Rou and Pitiroi Te Rou on 13th November 1886, in accordance with the Native Land Court Act 1886.
 - d. The property was transferred, as a result of succession, to Marena Elizabeth McConnell of Lyttleton on 5th October 1942. Marena McConnell is described as a Schoolteacher and a “... Native within the meaning of the Native Land Act 1931”.
 - e. The property subsequently vested, as a result of succession, in Terence Aorangi McConnell on 11th December 1968.
 - f. On 3rd February 1969 the Māori Land Court issued a Status Declaration (756895), formally transferring Section 33 Rāpaki Native Reserves 875 from Māori Land to General Land.
 - g. Ownership of the property was transferred to Her Majesty the Queen for Māori Housing Purposes on 5th August 1982, and the land was subject to the Maori Housing Act 1935.
 - h. Ownership of Section 33 Rāpaki Native Reserves 875 (2 Rāpaki Drive) was formally transferred to Te Rūnanga o Rāpaki Trust Board on 15th July 1994.
7. The name of Te Rūnanga o Rāpaki Trust Board was formally changed to Te Mahi Korowai Trust on the 24th August 2017. The Trust is a register charitable trust. A copy of the Trust Deed attached to the application confirms the name change.
 8. The Trust (Te Mahi Korowai Trust) is a separate legal entity to Te Hapū o Ngāti Wheke Inc., and has legal obligations and responsibilities to the people of Rāpaki.
 9. The Trust Deed sets out the objectives and purposes of Te Mahi Korowai Trust. Of particular relevance to the proposed Papakāinga/Kāinga Nohoanga Development is Section 2.1(a) of the Trust Deed. Section 2.1(a) states:

“The objects and purposes for which the Trust is established are to:

 - (a) *Provide assistance to those who are needy, poor, sick or infirm, including in the form of employment, housing and health assistance for the people of the Rāpaki and their associated community”*
 10. Section 4.1 of the Trust Deed confirms that the income and property of the Trust shall **only** be applied towards the promotion of the charitable objectives and purposes for the Trust as set out in Section 2 of the Trust Deed. Accordingly, the Trust is legally obligated to provide for the health and wellbeing of kaumatua and kuia who whakapapa to Te Hapū o Ngāti Wheke, as they have since the establishment of the Trust and the formal ownership of the property in 1997, some 26-years.
 11. The Trust recognises the status of Te Hapū o Ngāti Wheke Inc. as one of the 18 Papatipu Rūnanga. However, the Trust seeks to advise the Expert Consenting Panel that Te Hapū o Ngāti Wheke Inc. has no historical or current jurisdiction over Section 33 Rāpaki Native Reserves (2 Rāpaki Drive), any uses of the property or any existing / future buildings on that land.



12. Rather, as the *kaitiaki* (guardians) and legal owners of Section 33 Rāpaki Native Reserves (2 Rāpaki Drive), the Trust has the exclusive right to determine the development of the property, subject to Crown legislation, in this case the provisions of the COVID-19 recovery (Fast Track Consenting) Act 2020, and the tenancy of any buildings on the land block.
13. It is inappropriate and contrary to *tikanga* for Te Hapū o Ngāti Wheke Inc. to exercise authority regarding the use or occupancy of buildings in Section 33 Rāpaki Native Reserves 875 (2 Rāpaki Drive).
14. Since the ownership of the property formally transferred to Te Rūnanga o Rāpaki Trust Board in 1994 (more than 26-years), the Trust has fulfilled the responsibilities, obligations, charitable objectives and purposes of the Trust Deed with respect to the kaumatua and kuia of Rāpaki, in accordance with the objectives and purposes of the Trust Deed.
15. The Trust endorses the comments made by Mahaanui Kurataiao Ltd and Te Rūnanga o Ngāi Tahu in regard to the status of the land. While technically the land is subject to the Banks Peninsula Rural Zone rules of the Christchurch District Plan, the characteristics of the ownership and the use of the land (Papakāinga/Kāinga Nohoanga) exhibit those of Maori Land. Accordingly, the Christchurch City Council applied the Papakāinga / Kāinga Nohoanga provisions of the Christchurch District Plan to the original resource consent application. This approach accords with the position of the Maori Land Court, whereby General Land owned by Māori, should be treated as Māori Land for the purposes of Papakāinga / Kāinga Nohoanga.
16. The Expert Consenting Panel **can be satisfied** that as a result of the legal objectives and purposes contained in the Trust Deed, and as reflected in the application of objectives and purposes over the past 26-years, the Papakāinga/Kāinga Nohoanga Development will be for the benefit of persons who whakapapa to Te Hapū o Ngāti Wheke.
17. On behalf of Te Mahi Korowai Trust, please accept this letter as the formal responses to the 'comments' of Te Hapū o Ngāti Wheke in accordance with the requirements of the COVID-19 Recovery (Fast Track Consenting) Act 2020.

Ngā mihi

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