

**IN THE MATTER:** of the Resource Management Act 1991

**AND**

**IN THE MATTER:** of a Hearing to consider Variation 1 – Ruakura) to the  
Hamilton City Council Proposed District Plan

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**Statement of Evidence of Parekawhia McLean on behalf of Waikato-Tainui Te  
Kauhanganui Incorporated**

**15 July 2016**

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## **Introduction**

1. E ngaa mema, teena koutou katoa.
2. My name is Parekawhia McLean. I am the CEO of Te Whakakitenga o Waikato, formally known as Waikato-Tainui Te Kauhanganui. I directly oversee the activities of the Waikato Raupatu Lands Trust and the Waikato Raupatu River Trust. I was appointed CEO in December 2010.
3. I previously presented evidence to the Board of Inquiry for the Private Plan Change request made by Tainui Group Holdings and Chedworth Properties Limited (Ruakura Plan Change).
4. In this statement of evidence I will:
  - reiterate that evidence previously presented to the Board of Inquiry;
  - summarise the role of the Ruakura Tangata Whenua Working Group;
  - identify our general support for the Council's recommendations with regard to Waikato-Tainui Te Kauhanganui's submission to the Variation; and
  - request that Council reconsiders its rejection of our submission<sup>1</sup> seeking papakainga be better enabled in the Ruakura Medium Density Residential zone.

## **Raupatu**

5. The search for redress and justice for raupatu is well documented and publicly acknowledged. Waikato Tainui became the first iwi to settle its grievances with the Crown, where in 1995 the Waikato Raupatu Claims Settlement Act provided the foundations upon which the tribe could establish itself to progress the cultural, social and economic advancement of its people.
6. In 2008, the Deed of Settlement for the Waikato River was signed. The Waikato River Settlement supports work to restore and protect the health and wellbeing of the Waikato River for future generations.

## **Iwi Structure**

7. Following a tribal governance review, which began in 2013 and completed in November 2015, a new governance model, redrafted rules and new name for the tribal Parliamentary body has

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<sup>1</sup> Submission points 27.04 and 27.05

taken place. As mentioned earlier, the new name for the tribal Parliamentary body is called Te Whakakitenga o Waikato Incorporated.

8. The Waikato-Tainui tribe is made up of the descendants of the 33 Waikato hapuu, represented by, at the date of this evidence, 68 marae. There are approximately 68,000 registered members of Waikato-Tainui. The rohe of Waikato-Tainui extends considerably beyond, but includes Hamilton City Council district in terms of the Local Government Act 2002 and the RMA.
9. At the heart of Waikato-Tainui is Te Whakakitenga o Waikato Incorporated (“Te Whakakitenga”), the representative body which is made up of 136 elected members. Each of the 68 voting Marae elects two representatives to Te Whakakitenga and the Head of the Kaahui Ariki Kiingi Tuheitea appoints one member.
10. Te Whakaitenga’s objectives are set out in its Rules. Its objectives include to:
  - Protect, advance, develop and unify the interests of the Waikato- Tainui iwi; and
  - Achieve settlement of Waikato-Tainui’s outstanding claims.
11. Te Whakakitenga is the ultimate governing body of Waikato-Tainui.
12. Te Whakakitenga is the sole trustee of each of the Waikato Raupatu Lands Trust (the Lands Trust) and the Waikato Raupatu Rivers Trust (the Rivers Trust). Those trusts received land, rights to the Waikato River and settlement monies from the Crown. That trust property is held for the social and economic development of Waikato-Tainui under the terms of the relevant trust.
13. As part of an internal restructure, Te Whakakitenga (previously Te Kauhanganui) was appointed the sole trustee of the Lands Trust on 1 April 2009 and replaced the previous trustee, the Waikato Raupatu Trustee Company Limited (a wholly owned subsidiary of Te Kauhanganui).
14. The Waikato Raupatu Trustee Company succeeded the Tainui Maori Trust Board, the initial trustee of the Lands Trust under the Deed of Settlement between Waikato-Tainui and the Crown dated 22 May 1995.
15. Te Whakakitenga appoints an executive committee, Te Arataura, to manage its affairs on an ongoing basis.

16. Te Arataura has eleven members. Ten members are elected by the majority of total marae votes. One member is also appointed by the Head of Kaahui Ariki, currently, Kiingi Tuheitia.
17. Te Arataura's key roles are to:
  - Administer the policies of Te Whakakitenga; and
  - Manage assets on behalf of the Lands Trust and the Rivers Trust.

### **Te Whakakitenga as the iwi authority under the RMA**

18. Te Whakakitenga in its own right, as the representative body of Waikato-Tainui iwi, has the role of representing the iwi and protecting its interests. Te Whakakitenga is recognised by Waikato-Tainui iwi as having authority to do so. There is no other body which has that role or which is so recognised.
19. In addition, in its capacity as trustee of the Lands Trust, Te Whakakitenga is vested with the right to be:
  - Recognised as the representative of Waikato-Tainui as the mandated body to facilitate Crown negotiations;
  - Recognised as mandated iwi organisation for the purposes of the Maori Fisheries Act.
20. Te Whakakitenga, as trustee of the Lands Trust, is also the body with the authority to approve the settlement of any outstanding claims.
21. For these reasons, Te Whakakitenga is an iwi authority for the purposes of the RMA and represents Waikato-Tainui iwi.

### **Waikato-Tainui's shareholding in its commercial arms**

22. The majority of Waikato-Tainui's current land holdings were returned to the iwi by the Waikato Raupatu Claims Settlement Act 1995 as commercial redress for large scale land confiscations by the Crown in the 1860's.
23. Tainui Group Holdings Ltd (TGH) was formed in 1998 to manage the commercial assets of Waikato-Tainui. Its strategy is to identify and grow high quality assets, and generate income from them. It distributes funds, in the form of a dividend, to the Lands Trust each year for

the benefit of the Lands Trust and the iwi. There is a clear separation between Te Whakakitenga as the governing body and TGH as the commercial arm.

24. Te Whakakitenga (as trustee for the Lands Trust) is the sole shareholder of Tainui Group Holdings Limited (TGH). TGH has six directors who are appointed by the Appointments Committee, which is a committee of Te Whakakitenga.
25. TGH is the holding company for a number of subsidiary companies and limited partnerships that have been formed, including Tainui Development Limited, Te Rapa 2002 Limited and The Base Te Rapa Limited.
26. All of these subsidiaries are ultimately owned by Te Whakakitenga (in its role as trustee of the Lands Trust).
27. TGH has extensive property interests in Hamilton City including the University of Waikato and the land at Ruakura, part of which is the subject of the Plan Change.
28. As at 31 March 2015, and declared a dividend of \$12.5 million to its shareholder. Dividends are used for charitable purposes by Waikato - Tainui to invest in education, welfare, health, social and cultural facilities and activities, for the benefit of Waikato-Tainui members. Including the provision of various grants to tribal members including:
  - **Doctoral scholarships** - These scholarships are available to assist tribal members pursuing post-graduate studies at the doctorate level.
  - **Kaumaatua (medical) grants** - Grants of up to \$500 per 12 month period or more are available to all registered Waikato-Tainui kaumaatua aged 60 and over to assist with certain medical and health and wellbeing purposes.
  - **Health & Wellbeing grants** - These grants are available for health and well being related initiatives that will benefit registered Waikato- Tainui tribal members.
  - **Maatauranga grants** - Maatauranga grants seek to promote, preserve advance and maintain tribal maatauranga.
  - **Maatauranga Toi grants** - Maatauranga Toi grants are available to assist tribal members wanting to participate in Maaori arts and crafts, music, drama or dance.

- **Marae Grants** – the grants are available to all 68 marae to help fund maintenance and upkeep
- **Marae Facilities Fund** - Marae Facilities grants are available for the construction, maintenance and/or upgrade of main Marae facilities e.g. Wharenui, Wharekai, Wharepaku.
- **Tertiary Education Grants** - These grants are available to registered tribal members pursuing higher education, whether it is at a University, technical institute, private training entity or waananga.

29. Over the past five years Waikato-Tainui has distributed over \$46 million in grants and scholarships to tribal members and Marae.

#### **Ruakura**

30. Ruakura is recognised as a significant investment vehicle for TGH to continue to advance such social programmes through its investment portfolio. TGH's land holdings at Ruakura form part of the land that was returned to Waikato-Tainui by the Waikato Raupatu Claims Settlement Act 1995. The proposed development represents a key part of the economic development strategy for Waikato-Tainui. The effects of such investments on the wellbeing of Iwi are significant, given the scale of the development and the timeframes over which the development will take place.

#### **Mana Whakahaere**

31. Waikato-Tainui has Mana Whakahaere (authority) over its lands, resources and the Waikato River and seeks to exercise Mana Whakahaere to ensure the balance, and the mauri [life force] of the land and the resources is maintained to sustain stability for future generations in accordance with Waikato-Tainui tikanga, culture, and values. This responsibility sits with Te Kauhanganui.

32. Te Whakakitenga seeks to define and promote those matters of interest to Waikato-Tainui. To this end two important iwi documents have been prepared. This includes the Waikato-Tainui tribal strategic plan: Whakatupuranga 2050 which is the blueprint for the cultural, social and economic advancement of our people.

33. It is a fifty-year long development approach to building the capacity of our Iwi, hapuu and Marae. Whakatupuranga 2050 will be our legacy to those who come after us.

34. Whakatapuranga 2050 clearly articulates a strategic direction of Waikato-Tainui that includes preserving our tribal heritage, reo and tikanga and growing our tribal estate and managing tribal resources. The Plan Change for Ruakura is in accordance with Whakatapuranga 2050.
35. Waikato-Tainui have also produced an Environmental Plan “Tai Tumu, Tai Pari, Tai Ao” which details objectives and policies on a range of Resource Management Issues. This environmental plan is a recognised iwi management plan under the RMA and has been lodged with both the Hamilton City Council and the Waikato Regional Council. The Plan Change has been reviewed against the Environmental Plan by my staff and I rely upon their advice that it is in accordance with that Plan.
36. Within the broader Waikato–Tainui iwi which Te hakakitenga represents Ngaati Wairere shares manawhenua to Ruakura and is one of the 33 hapuu of Te Whakakitenga. These hapuu exercise their rights and responsibilities to ensure their tikanga, kawa and values are upheld through the Waikato–Tainui structure.

#### **Tangata Whenua Working Group**

37. The Waikato Raupatu River Trust and Tainui Group Holdings established the Tangata Whenua Working Group in August 2015. The group is made up of representatives from Ngaati Mahanga, Ngaati Wairere, Ngaati Koroki-Kahukura and Ngaati Hauaa. The purpose of the group is to facilitate meaningful engagement and consultation with any parties seeking to develop land within the Ruakura Plan Change area.
38. The TWWG are available to provide cultural advice, recommendations and support to any parties proising to develop land at Ruakura, and reinforce the recommendations in the Cultural Impact Assessments prepared as part of the previous Plan Change process. The group are also responsible for ensuring the Waikato Tainui Environmental Plan policies and objectives for effective environmental and cultural mitigation are taken into consideration as part of any development.
39. The TWWG have input into resource consent applications to ensure cultural values are appropriately considered through the RMA process. Key to this is a sound understanding of the Waikato Tainui Environmental Plan and its objectives for effective implementation of mitigation both culturally and environmentally.

40. In summary, the TWWG provides for direct mana whakahere through decision making, policy development and implementation of mitigation at a hapuu and marae level, fulfilling various objectives of Whakatupuranga 2050 in the process as hapuu and marae under the korowai of Te Whakakitenga o Waikato. The TWWG works closely with TGH to ensure positive mitigation of adverse effects on the environment and ‘tikanga aa hapuu’.

### **Submissions to the Plan Change**

41. Waikato Tainui Te Kauhanganui Incorporated’s submissions to the originally notified PDP and to this Variation were supportive of the Ruakura Structure Plan and the associated provisions to give effect to it through the district plan.
42. We also support the amendments sought by TGH and which will be presented by its expert witnesses at this hearing.
43. The Council’s report has accepted or accepted in part all of the submission points with the exception of two submission points on the activity status of papakaainga in the Ruakura Medium Density Residential zone. TGH own an area in the south of the Ruakura Structure Plan area which is to be zoned Ruakura Medium Density Residential zone comprising approximately 3.5ha.
44. I understand that the issue relates to whether papakaainga in the Ruakura Medium Density Residential zone should be a “Restricted Discretionary” activity or a “Discretionary” activity. I understand that a Restricted Discretionary activity status is more “enabling” because it focuses the Council’s assessment on a set of specified environmental matters which are identified in the district plan. Conversely with a Discretionary Activity, the Council has full discretion to consider all potential effects.
45. I understand that the PDP provides for papakaainga as a Restricted Discretionary Activity in the General Residential, Residential Intensification and Large Lot Residential zones. Whilst papakaainga is a Discretionary Activity in the Medium Density Residential zone for other parts of Hamilton, it does not follow that it must also be Discretionary in the Ruakura Medium Density Residential zone. This is particularly so given the treaty settlement land status of Ruakura as compared to Medium Density Residential zones elsewhere.
46. The Waikato Tainui Environmental Plan Tai Tumu, Tai Pari, Tai Ao contains objectives and policies in Chapter 13 to support papakaainga development and Ruakura is a particularly appropriate place to enable it given the status and ownership of the land.

## Conclusions

47. In planning for Waikato-Tainui's future we need to look at where we have come from, where we are now, and where we want to be. To fully realise the fruits of the Te Tiriti o Waitangi settlement reached with the Crown Waikato-Tainui needs to maximise our own resource base so as to achieve the best possible outcomes of our settlement.
48. Our duty, through the judicious and prudent management of the settlement, is to consolidate and establish a long term and lasting strong economic base to assist in this process. Waikato-Tainui's investment in Ruakura will assist in diversifying our asset base. It will also provide a stable cash flow to the shareholders for distribution.
49. A strong economic base will provide the opportunity for future generations to add to the tribal estate and allow for our mission statement "to grow, prosper and survive" to come to fruition. It will also meet the sustainable management purpose of the RMA, by enabling social, economic and cultural wellbeing.
50. We request that the commissioners recognise the significance of this project to our iwi and endorse the provisions of the Ruakura Variation (subject to those amendments advanced by TGH through its expert witness). With regard to our submission on the Ruakura Variation, we wish the Council to reconsider its approach to papakainga and make these a Restricted Discretionary Activity in the Ruakura Medium Density Residential zone.

Parekawhia McLean

15 July 2016