

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Private Plan Change 2 to
the Hamilton City Operative District
Plan: Te Awa Lakes Private Plan
Change

STATEMENT OF EVIDENCE OF WIKITŌRIA LEANNE TĀNE FOR WAIKATO-TAINUI

25 November 2019

1. EXECUTIVE SUMMARY

2. SUMMARY OF WAIKATO-TAINUI POSITION 2017

2.1 The location of Te Awa Lakes development is at the northern most edge of Hamilton City near Horotiu and sits within the tribal boundary of Waikato-Tainui (W-T). As such W-T has the Mana Whakahaere over its' lands and resources, including the Waikato River and its' associated natural environs.

2.2 In the submission dated 29 November 2017 W-T wished to ensure appropriate consideration was given to matters of importance to W-T as set out in the W-T Environmental Plan, Tai Timu, Tai Pari, Tai Ao (EMP) and encouraged pre-application consultation on proposed development activities as per Clause 4A, Schedule 1 of the Resource Management Act (RMA).

2.3 Further, the submission supported the proposed private plan change subject to the inclusion of mitigation recommendations within the Cultural Impact Assessment. Mitigation recommendations included:

2.3.1 Rangatiratanga

2.3.1.1 W-T encourages the active involvement of mana whenua in the planning, management and development of Te Awa Lakes

2.3.1.2 W-T supports the recommendation that iwi and hapū represented by the TWWG continue to work in good faith with Perry Group (PG) on partnership outcomes of the Te Awa Lakes development.

2.3.1.3 W-T further supports the recommendation that the proposed plan change application and future resource consent applications provide an accurate record of the engagement undertaken with TWWG and the mitigation recommendations outlined in the cultural impact assessment document.

2.3.2 Waahi Taaonga

2.3.2.1 In order to protect and enhance the cultural connectivity of this area and provide a representation of the cultural values of iwi and mana whenua, W-T would support the practice of cultural indigenous place-making throughout

the Te Awa Lakes development through the use of mana whenua names for streets, use of landscaping designs that reflect cultural perspectives and the use of Maaori artwork.

2.3.2.2 The protection of archaeological sites, sites of significance and the implementation of appropriate accidental discovery protocols is very important.

2.3.3 Ngaa Wai Ora

2.3.3.1 As outlined in the EMP, the protection and enhancement of freshwater waterways, springs and wetlands is very important. W-T therefore support best practice storm water management methods including the treatment of storm water and the protection of any freshwater springs or wetlands within the area.

2.3.4 Mahinga Kai

2.3.4.1 The protection, enhancement and access to tradition food gathering sites is a priority to iwi and mana whenua.

2.3.4.2 The planting of riparian margins with native plant species to restore habitat as well as land use management aligns with the provisions of the W-T EMP.

2.3.5 Kotahitanga

2.3.5.1 W-T acknowledges Perry Group for their ongoing and meaningful engagement with our iwi and hapū through the TWWG on cultural and environmental matters relating to this proposal.

2.3.5.2 W-T recognises the value that this development will contribute to the economic growth of our region and the benefit this will provide to our iwi, hapuu and marae. W-T would therefore support future social, educational, economic and commercial opportunities to work together.

3. In this statement of evidence, I will expand on the 2017 submission to include this years' W-T participation in the PG- TWWG and pre-hearing caucusing.

3. QUALIFICATIONS AND EXPERIENCE

- 3.1** Teena koutou, teena hoki taatou katoa. I te tuatahi me mihi ka tika ki a koe e Carolyn, noou te kanohi, noou hoki te reo moo te roopu Mana Whenua e koorero nei taatou i raro i te kaupapa nei, ko Te Awa Lakes, aa, anoo hoki ki a koutou e te whaanau, e aku karanga whanaunga, e aku rangatira, teena koutou katoa. Address to Simon Perry, John Olliver, Lale Ieremia, Paul Radich and Norman Hill – Rangatira to rangatira, kanohi ki te kanohi. Address to the Chair, Mr Hill and fellow commissioners. Thank you.
- 3.2** My full name is Wikitōria Tāne. My role at Waikato-Tainui is as an RMA Taiao (Environment) Project Manager, and I was started working for W-T March of this year.
- 3.3** I have a Bachelor of Arts (BA) Conjoint Degree in Te Reo Me Oona Tikanga (Maori Language and Traditions) from the University of Waikato and I have four years' experience working for the Maniapoto Maaori Trust Board (MMTB) in RMA; providing environmental management support to whānau, and hapū. My work with MMTB included protection and preservation of sites of significance using of Geographical Information Systems - Taonga Register. This work involved interviewing kaumatua in te reo Māori, translating, transcribing and reporting on whaanau/hapuu and iwi, waahi whakahirahira (sites of significance) throughout the Maniapoto region which includes the Waipaa and Kaawhia areas.
- 3.4** I have spent over thirty years alongside kaumatua and kuia learning whakapapa connections throughout the Tainui Confederation and connections to other iwi, and I am the purveyor of whakapapa, historical records and traditional (non-Christian) karakia for the wider whānau. I consider myself sufficiently versed in tikanga Maaori to be able to speak on matters of culture and maatauranga Māori – the Maaori World View.
- 3.5** My ancestors hail from the Tainui Waka and I am a 28th generation Tainui Waka/Ngaati Maniapoto Iwi descendant. My hapuu are Ngaati Urunuumia, Ngaati Uekaha, Ngaati Ruapuha, Ngaati Apakura, Ngaati Mango, Ngaati Kiriwai, Ngaati Pouraahui, and Ngaati Unu; of which Apakura, Mango, Kiriwai, Pouraahui and Unu are hapuu affiliated to a number of the 68 Waikato-Tainui marae.

- 3.6** Since joining W-T in March I have become the W-T representative on a number of TWWG's within Hamilton City Council District which include Te Haa o Te Whenua o Kirikiriroa (THaWK), Rotokauri North TWWG, Ruakura TWWG, Amberfields TWWG. In the Waipaa District I am involved in the OJI Fibre TWWG, Taotaoroa TWWG, Cambridge Waste Water Treatment Plant TWWG, Maungatautari Plan Review TWWG, and Te Awamutu Memorial Gardens TWWG.
- 3.7** For four years I've worked alongside Ōtorohanga District Council in my capacity as a regional management committee member for Nehenehenui Regional Management Committee; on behalf of my marae, and I hold Maaori Land Block Governance positions.
- 3.8** I have attended a number of TWWG meetings with PG, John Oliver, Lale Ileremia and Paul Radich and Norman Hill.
- 3.9** I have attended a number of expert witness caucus sessions i.e, Biosecurity, Three Waters & Water Quality, Urban Design and Landscape, and Economic & Strategic Issues; to provide expert input from a maatauranga Maaori perspective, alongside mana whenua representative - Carolyn Hopa, and Cultural Specialist and Advisor - Norman Hill.
- 3.10** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and to the extent that I am giving expert evidence, have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

4. SCOPE OF EVIDENCE

- 4.1** My evidence is given as a representative on behalf of W-T, and is in support of the Mana Whenua position in relation to the engagement and consultation process undertaken by PG. I have participated in TWWG meetings and in expert caucusing and confirm that, as far as is practicable, PG has where appropriate; avoided, remedied or mitigated the identified cultural effects. In my opinion, the relevant statutory documents (including the Resource Management Act 1991 (RMA), Te Ture Whai Mana o te Awa o Waikato (Vision and Strategy) The W-T EMP have been addressed as they relate to cultural and environmental matters.

4.2 My evidence will cover the following matters.

- a) Relevant RMA provisions and key statutory documents;
- b) Tangata Whenua in the Project Area;
- c) Tangata Whenua Working Group;
- d) Consultation with TWWG;
- e) Summary of W-T Position 2017 & 2019;
- f) Cultural and Environmental Effects of Interest to Tangata Whenua;
- g) Expert caucusing;
- h) Conclusions.

5. RELEVANT RMA PROVISIONS AND KEY STATUTORY DOCUMENTS

5.1 Various pieces of legislation and planning documents including the RMA, Local Government Act 2002 (LGA) and Waikato Regional Policy Statement (RPS) include processes for managing effects (also called impacts) of an activity on a range of values, including Maaori values. My evidence is informed by these statutory documents and the conclusions I have drawn are by reference to these matters.

5.2 The RMA includes a number of sections specifically designed to ensure that the various relationships of Maaori with taonga, kaitiakitanga and the principles of the Treaty of Waitangi are considered and protected. Applicants for consents or permits under the RMA are required to identify all effects of an activity and then demonstrate that, where adverse effects are identified, the applicant has satisfactorily shown they can avoid, remedy or mitigate such effects.

5.3 Consultation assists in satisfying the relevant statutory requirements including:

- (a) Section 6(e) (relationship of Maaori with ancestral lands, waters and sites);
- (b) Section 6(f) (protection of historic (including cultural) heritage from inappropriate use and development);

- (c) Section 7(a), (kaitiakitanga); and
- (d) Section 8 (Treaty of Waitangi).

5.4 The following sections of the LGA are considered the most relevant for the Project:

- (a) Section 4 (Treaty of Waitangi): Recognises and respects the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maaori to contribute to local government decision-making processes; and
- (b) Part 6 (Planning, Decision-making and Accountability), including the obligations of local authorities in relation to the involvement of Maaori in decision-making processes.

5.5 I consider the following sections of the Heritage New Zealand Pouhere Taonga Act 2014 to be the most relevant in relation to my evidence on the Project:

- (a) Section 3 (the purpose to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand);
- (b) Section 42 (Archaeological sites not to be modified or destroyed unless authority granted); and
- (c) Section 46 (2)(h)(i) (Application for authority must include details of consultation with tangata whenua has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed).

5.6 The Vision and Strategy forms part of the RPS, which the proposed plan change must give effect to under s 75(3) of the RMA. However, s 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Settlement Act) means that, in addition, a territorial authority must have “particular regard to” the Vision and Strategy when carrying out its functions or exercising powers under the RMA that relates to the Waikato River or to an activity within the catchment that affects the Waikato River in addition to any requirements specified in the RMA (i.e. the s 75(3) consideration). The overarching purpose of the Vision and Strategy is to restore and protect the health and wellbeing of the Waikato River for future generations.

5.7 The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao (EMP) provides statements of iwi values, objectives, policies, guidance on the relationship of iwi to natural resources and the environment. Waikato-Tainui is recognised as an iwi authority, and their EMP was lodged with several councils, including Waikato Regional Council, in 2015. A territorial authority must take the EMP in account under s 74(2A) of the RMA for any activity within the tribal area of Waikato-Tainui “to the extent that its content has a bearing on the resource management issues of the district”.

6. TANGATA WHENUA IN THE PROJECT AREA

6.1 The Te Awa Lakes development site adjoins the Waikato River in Hamilton North. It therefore sits within the tribal boundary of Waikato-Tainui who hold the Mana Whakahaere (authority) over its lands and resources, including the Waikato River and its associated natural environs.

6.2 The Waikato-Tainui tribe is made up of the descendants of the 33 Waikato hapuu, who, at the date of this evidence, are represented by 68 Marae. There are approximately 75,000 registered members of Waikato-Tainui. The rohe of Waikato-Tainui includes the Hamilton City Council district in terms of the LGA and the RMA, but also extends considerably beyond Hamilton’s district boundaries to the Waikato and Waipa districts.

6.3 Te Whakakitenga o Waikato Incorporated (Te Whakakitenga), the representative body of Waikato Tainui, is comprised of 136 elected members. Each of the 68 voting Marae elects two representatives to Te Whakakitenga and the Head of the Kaahui Ariki, Kiingi Tuheitia appoints one member. Te Whakakitenga is the ultimate governing body of Waikato-Tainui.

6.4 Within the broader Waikato–Tainui iwi which Te Whakakitenga represents, 33 hapuu of Te Whakakitenga exercise their rights and responsibilities to ensure their tikanga, kawa and values are upheld through the Waikato-Tainui structure.

7. TANGATA WHENUA WORKING GROUP

7.1 The TWWG is made up of one primary representative and one proxy member representative of Waikato-Tainui, Ngaati Wairere, Ngaati Hauaa, Ngaati Tamainupo, Ngaati Maahanga and Turangawaewae Marae. I became involved in the PG TWWG in

July of this year in my capacity as W-T RMA Taiao Project Advisor. I have participated in consultation meetings, email correspondence, telephone discussions and pre-hearing caucusing.

8. CONSULTATION WITH TANGATA WHENUA WORKING GROUP

8.1 SUMMARY OF W-T POSITION NOVEMBER 2019

8.2 Engagement between PG and Waikato-Tainui began in 2017 and led to the establishment of a Tangata Whenua Working Group (TWWG). The TWWG was established under terms of reference which provided for cultural and environmental advice to all aspects of development at Te Awa Lakes. This included the TWWG taking a lead role in the development of appropriate cultural and environmental mitigation recommendations through a Cultural Impact Assessment Report.

Waikato-Tainui considers the early engagement method employed by PG throughout its' consultation with TWWG (which will continue into the future of the project, including resource consenting matters and potential for other projects) as exemplifying best practice iwi engagement; further, that the method of engagement addresses Sections 2.2 – 2.3.1 of this statement of evidence.

8.3 Waikato-Tainui and the TWWG collective agree that PG's decision to develop the site as a mixed-use zone; restores the mauri (life principle) to the awa, restores manawhenua' connection to the awa and whenua in a way that would not have been possible had the site remained an industrial zone. The plan creates opportunities for positive cultural, environmental, social and economic outcomes that enhances holistic well-being for mana whenua, in the short and long term.

W-T considers that the plan change has given particular regard to Te Ture Whaimana o Te Awa o Waikato and, that objectives a-m therein have been provided for in the plan therefore, W-T considers Section 5.6 of this statement of evidence has been addressed.

8.4 The Cultural Impact Assessment commissioned by the Applicant made 12 recommendations to provide for an ongoing role for Waikato-Tainui, through the TWWG, in the current and future work proposed by the Te Awa Lakes development.

W-T considers that Section 2.3 “Waikato-Tainui supports the Te Awa Lakes Private Plan Change application subject to inclusion of mitigation recommendations put forward by TWWG within the Cultural Impact Assessment” to have been addressed.

- 8.5** As recorded in the Applicant’s AEE at paragraph 5.11.2, all of the proposed recommendations have been agreed to in principle by the Applicant, to be implemented throughout the plan change process and thereafter. With those measures in place, it is my view that there are sufficient methods through PPC2 to avoid, remedy or mitigate cultural and other environmental effects of interest to mana whenua.

W-T considers Sections 2.2 – 2.2.5 have addressed all points in the 2017 W-T submission.

CULTURAL AND ENVIRONMENTAL EFFECTS OF INTEREST TO TANGATA WHENUA

- 8.6** In recognising the Maaori history and traditional relationship with the area, on behalf of the TWWG, Norman Hill was commissioned to prepare the Cultural Impact Assessment that provided an overview of the cultural and environmental significance and importance of the local history of the area, list of meetings carried out throughout the year, capture and record matters raised by tangata whenua and list recommendations so as to maximise on opportunities in relation to the proposed development.

- 8.7** Additionally, during TWWG discussions and during caucusing Carolyn Phillips Hopa was able to relate on a personal level, the grief often expressed by her mother at not being able to access the site of the Mangaharakeke Paa – the place of her ancestors. Carolyn speaks eloquently about the nature and extent of their family, and extended family loss in terms of no longer having a tūrangawaewae – a place to stand. She goes further to express frustration at the difficulty in accessing the Paa site. The Te Awa Lakes Private Plan Change is the first time since confiscation of their whenua in the 1860’s, that the whaanau will be able to have as say in the area in which their tuupuna (ancestors) once lived and prospered. PG have made a genuine commitment to assist in reconnecting manawhenua to the Paa site, the midden/umu site, the river etc.

- 8.8** Consultation with the TWWG identified the following matters as of particular importance:
- (a) Effects on cultural heritage and significant sites;

(b) Effects on the relationship with the Waikato River; and

(c) Effects on the relationship with indigenous ecosystem and biodiversity.

Effects on cultural heritage and significant sites

8.9 TWWG raised the need to investigate potential impacts on sites of significance, particularly focussed on the midden/umu that was identified on the river bank adjacent to the site.

Archaeological assessments have been undertaken at the site of a midden/umu identified by TWWG. (refer to the evidence of Carolyn Phillips Hopa) Issues raised by the TWWG were considered, and appropriate acknowledgement and action was taken in relation to the midden/umu. The location has been excluded from any earthworks or development areas and is to be preserved and to feature as part of the proposed esplanade reserve along the river.

W-T considers mitigations and actions to avoid disturbance and destruction of the site to have addressed Section 2.3.2 in relation to Waahi Taonga.

Effects on the relationship with the Waikato River

8.10 The TWWG reaffirmed the obligations to recognise and uphold the Te Ture Whaimana o Te Awa o Waikato, the Vision and Strategy for the Waikato River, as the primary direction-setting document for the Waikato River.

8.11 W-T is satisfied from the reading of the plan and through explanations given, that the Applicant has provided sufficient assurances that additional wastewater discharge, storm water control, sediment control, culvert construction and associated impacts on fisheries and their migration will be managed in accordance to best practice Waikato Regional Council regulations.

8.12 The TWWG speak of the ability to sustain and enhance natural fauna and flora and sustain indigenous life. Therefore, riparian management, stream enhancement, protection of native fish population and wetland creation for taonga species have been agreed.

W-T considers measures proposed for treating wastewater and stormwater to have been addressed Section 2.3.2 Ngaa Wai Ora, and 2.3.4 Mahinga Kai to have been addressed.

Effects on the relationship with indigenous ecosystem and biodiversity

- 8.13** TWWG stressed the importance of appropriately managing impacts on environmental and ecological values. They stressed the importance of potential impacts on natural systems and the life forms those natural systems support. TWWG reaffirmed the need to ensure a balance of mauri (life force / cultural wellbeing) was maintained, generally in relation to wai (water), whenua (land), and taonga kararehe (special native animals).
- 8.14** Maintaining the 'mauri' (life force) of the natural environment affected by the project is the focus of the proposed plan change conditions that have been prepared in discussion with TWWG. This includes rule 1.2.2.28 and the specific information requirements for an Ecological Rehabilitation Plan, a specific ERMP to restore and enhance the unnamed tributary required by rule 1.2.2.28(k)(x), and the landscape concept plan required by rule 1.2.2.28(j).

Methods to avoid, remedy or mitigate cultural and environmental effects of interest to mana whenua

- 8.15** The Cultural Impact Assessment commissioned by the Applicant made 12 recommendations to provide for an ongoing role for Waikato-Tainui, through the TWWG, in the current and future work proposed by the Te Awa Lakes development.
- 8.16** As recorded in the Applicant's AEE at paragraph 5.11.2, all of those proposed recommendations have been agreed to in principle by the Applicant, to be implemented throughout the plan change process and thereafter. With those measures in place, it is my view that there are sufficient methods through PPC2 to avoid, remedy or mitigate cultural and other environmental effects of interest to mana whenua.

9. EXPERT CAUCUSING

- 9.1** I attended facilitated expert caucusing on
- a) Biosecurity on 17 September
 - b) Three Waters and Water Quality on 24 September

- c) Urban Design and Landscape on 1 October; and
- d) Economic and Strategic and 2,3 October.

W-T acknowledges and commends PG' commitment to Tikanga Maaori and Maatauranga Maaori statements as overarching principles and guiding principles in relation to each of the caucused topics.

10. CONCLUSION

10.1 The Te Awa Lakes area has historical, cultural and spiritual importance to Waikato-Tainui and the hapuu of Ngaati Wairere, Ngaati Hauaa, Ngaati Tamainupo, Ngaati Maahanga and Turangawaewae Marae. The protection of heritage, identity and environmental attributes, such as mauri, are vital to the well-being of mana whenua.

10.2 I believe a comprehensive and robust process of engagement and consultation with TWWG has occurred from March 2017 to April 2019. PG have shown a commitment to ongoing good faith relationship with the TWWG. On that basis W-T supports the TWWG position in support of the Private Plan Change 2 – Te Awa Lakes Proposal.

10.3 In summary, it is my view that:

- (a) Part 2 of the RMA, the Local Government Act, the Heritage New Zealand Pouhere Taonga Act 2014 and Te Ture Whai Mana provide a statutory requirement, and a framework that ensure that cultural wellbeing has been applied and provided for. In my opinion the Te Awa Lakes development proposal achieves the purpose of the listed legislative requirements through the provisions of the plan change.
- (b) The Cultural Impact Assessment which included contributions from the TWWG was acted on in good faith by PG and all cultural issues identified have been addressed. Where potential adverse effects on cultural values have been identified, the Te Awa Lakes Project Team has worked with Waikato-Tainui through the TWWG to identify and adopt mitigation measures to address the potential effects. Consultation ultimately informed the design of the masterplan.

- (c) All mitigation, avoidance and remedies undertaken by PG has demonstrated a commitment to an ongoing good faith relationship with TWWG and W-T. Moreover, the nature of concessions and agreement to many and varied issues raised by manawhenua during consultation has resulted in invaluable net gain for manawhenua across the entire proposed plan project. They include but are not limited to; restoration of the iwi footprint that has been, and would likely remained absent if the site remains industrial, reconnection of the people to the land, the people to the waterways; the live, work, play philosophy in keeping with tradition, information sharing around new technologies, potential to embrace old world Māori tikanga in new world settings, potential for housing, potential employment and many more.
- (d) In closing, the nature of engagement by PG with the TWWG can be characterised thus: There is no more powerful a way to restore taangata whenua to his roots than to help him feel a sense of belonging, to know his connection, to be a party to the rebuild, and to be a part of the sum of all of the parts that restores his tuurangawaewae. Quote from Kiingi Taawhiao Matutaera Tuukaroto Te Wherowhero. *“Maaku anoo tooku nei whare e hanga”*.

Wikitōria Tāne

26/11/2019