

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 NORMAN PETER SONY ROY HILL FOR THE APPLICANT
(CULTURAL)
29 OCTOBER 2019**

1. EXECUTIVE SUMMARY

- 1.1 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.
- 1.2 Initial engagement between PGL and Waikato-Tainui in 2017 led to the establishment of a Tangata Whenua Working Group (TWWG). The TWWG was established under terms of reference to provide cultural and environmental advice to all aspects of development at Te Awa Lakes, including leading the development of appropriate cultural and environmental mitigation recommendations through a Cultural Impact Assessment Report.
- 1.3 Mana whenua collectively believe the Applicants vision to re-develop the site, rather than continue industrial development along the river's edge, not only restores the mauri and reconnects mana whenua to their whenua, but creates a number of positive effects from a cultural, environmental and social perspective, that will enhance the holistic well-being for mana whenua, short and long term.
- 1.4 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.
- 1.5 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.
- 1.6 A comprehensive and robust process of engagement and consultation with TWWG has occurred, supportive submissions have been received by Waikato Tainui, Ngaati Hauaa Iwi Trust and Carolyn Hopa of Ngaati Hauaa, and the engagement has resulted in appropriate mitigation outcomes through both agreement between PGL and mana whenua and the proposed plan change provisions.

2. QUALIFICATIONS AND EXPERIENCE

- 2.1 Teenaa koutou katoa. E mihi kau ana ki te tepu me nga rangatira e whakapiri nei i runga i te kaupapa o te wa nei.
- 2.2 My full name is Norman Peter Sonny Roy Hill. I am the Strategic Relationship Manager at Wel Energy Trust. Prior to October 2019, I was a Senior Professional Consultant (cultural heritage/environmental management) at the Hamilton office of Boffa Miskell Ltd (Boffa Miskell), a company specialising in landscape, urban design and resource management.
- 2.3 I have a Bachelor of Science (BSc) degree from the University of Waikato and over 18 years' experience in a wide range of projects including environmental management, strategy and best practice corporate - cultural relationship engagement.
- 2.4 I am affiliated to Waikato-Tainui Iwi, and Ngaati Whaawhaakia, Ngaati Naaho and Ngaati Mahanga hapuu (sub tribes).
- 2.5 I have extensive knowledge and experience in working with whaanau, hapuu and iwi throughout Waikato-Tainui, to ensure compliance with regulatory and cultural frameworks both in the context of Plan Changes and resource consent applications. I also assisted in the facilitation and development of Tai Timu, Tai Pari Tai Ao, the Waikato-Tainui Environmental Plan, across marae and hapuu of Waikato-Tainui.
- 2.6 I have been engaged by Perry Group Ltd (PGL) to prepare a statement of evidence on the cultural effects of Proposed Plan Change 2 to the Hamilton City District Plan: Te Awa Lakes (PPC2).
- 2.7 I am familiar with the application site and surrounding environment. I facilitated a number of site visits with tangata whenua to gain a cultural understanding and connection to the site. I also helped facilitate the cultural blessing (karakia) prior to the commencement of the restoration planting of the stream that runs through the site. I was the report writer of the Waikato-Tainui Iwi Consultation Report which was incorporated within the plan change material for PPC2 dated 14 July 2017. I also prepared the Cultural Impact Assessment dated 9 October 2017 which was appended to the Assessment of Environmental Effects (AEE).

2.8 I also attended a number of expert witness caucusing sessions (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 who were represented by Wikitoria Tane of Waikato-Tainui and Carolyn Hopa, a submitter.

2.9 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.

3. SCOPE OF EVIDENCE

3.1 I have been engaged by Perry Group Ltd as the cultural specialist and advisor to the proposed Te Awa Lakes development. In my capacity as a cultural specialist, I have participated in consultation and project open days, coordinated and managed the iwi engagement process which involved hui and meetings with tangata whenua.

3.2 In addition, I have assisted various experts on the project team in the preparation of mapping, consultation processes, various technical reports and cultural design principles within the master plan.

3.3 I have been asked to provide evidence in relation to the engagement and consultation process undertaken by Perry Group Ltd; to identify the cultural effects of the project and how they are proposed to be avoided, remedied or mitigated; and comment on how, 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) have been addressed as they relate to cultural matters.

3.4 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) Cultural and Environmental Effects of Interest to Tangata Whenua;
- f) Expert caucusing;
- g) Comments on submissions; and
- h) Conclusions.

4. RELEVANT RMA PROVISIONS AND KEY STATUTORY DOCUMENTS

- 4.1 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.
- 4.2 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.
- 4.3 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).

4.4 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.

4.5 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).

4.6 The Te Awa Lakes development sits within the area subject to the Te Ture Whaimana o te Awa o Waikato (Vision and Strategy for the Waikato River).

4.7 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.

4.8 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”.

5. TANGATA WHENUA IN THE PROJECT AREA

5.1 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.

5.2 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.

5.3 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 Tuheitea appoints one member. Te Whakakitenga is the ultimate governing body of Waikato-Tainui.

5.4 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.

6. TANGATA WHENUA WORKING GROUP

6.1 Initial engagement between PGL and Waikato Tainui Environmental Manager Tim Manukau in 2017 led to the establishment of a Tangata Whenua Working Group (TWWG). The TWWG was established under terms of reference to provide cultural and environmental advice to all aspects of development at Te Awa Lakes, including leading

the development of appropriate cultural and environmental mitigation recommendations through a Cultural Impact Assessment Report.

- 6.2 The TWWG was 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.

7. CONSULTATION WITH TANGATA WHENUA WORKING GROUP

- 7.1 Waikato-Tainui encourages and advocates for developers and external agencies to undertake best practise early engagement with Waikato-Tainui as set out in section 5 (Te Koorero Tahī me Waikato-Tainui, Consultation and Engagement with Waikato Tainui) of the EMP. This process is as follows:

- (a) To engage with Waikato-Tainui in a timely, inclusive and participatory setting, seeking feedback and input into appropriate cultural and environmental mitigation solutions; and
- (b) To ensure that adequate consultation with Waikato-Tainui has occurred, to ensure compliance with statutory/legal requirements.

- 7.2 A mutually agreed consultation process was agreed by Waikato-Tainui, and agreement was reached with the TWWG on how they wished to be consulted, and what further information they required in order for the consultation process to be meaningful and empowering for them.

- 7.3 Twelve consultation and engagement meetings were held from May 2017 to April 2019 with the TWWG. The purpose of hui was to review technical presentations pertaining to the project, including stormwater, archaeology, ecology, visual and master plans, recording discussion points and providing status updates of project developments as and when they progressed.

- 7.4 A number of site visits were undertaken with the TWWG throughout 2018, including the cultural blessing (karakia) which took place in September 2018. A record of various site visits is included in the Cultural Impact Assessment.

8. CULTURAL AND ENVIRONMENTAL EFFECTS OF INTEREST TO TANGATA WHENUA

8.1 In recognising the Maaori history and traditional relationship with the area, on behalf of the TWWG, and as a cultural specialist with Boffa Miskell, I 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, a 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.

8.2 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.

8.3 The following section of my evidence provides some detail on the nature of matters of importance raised by the TWWG.

Effects on cultural heritage and significant sites

8.4 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.

8.5 Archaeological assessments have been undertaken for the site, and I refer to the evidence of Carolyn Phillips in this regard. The process of engagement with TWWG was one of empowerment and growth from a technical and cultural perspective. This process included a site walk over and an archaeological presentation. This led to the draft Heritage New Zealand authority application that was prepared being supported by TWWG.

8.6 The heritage issues raised were considered, and appropriate acknowledgement was given where the midden/umu is located has been excluded from any earthworks or development areas and is to be preserved as part of the proposed esplanade reserve

along the river. It was reflected in the master plan where the protection and enhancement of the site's cultural and heritage features will be maintained and enhanced as a result.

Effects on the relationship with the Waikato River

- 8.7 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.
- 8.8 The protection of the Waikato River and other tributaries entering the Waikato River is essential. Assurances have been provided by the Applicant 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.
- 8.9 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.

Effects on the relationship with indigenous ecosystem and biodiversity

- 8.10 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).
- 8.11 Indigenous fauna on site is described in the ecological report appended to the AEE, and in the evidence of Chad Croft. The report found that the overall ecological values of the project area are low in relation to vegetation, avifauna and herpetofauna. The proposal is likely to have low impacts on those ecological values, which is a matter of importance for mana whenua.
- 8.12 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

8.13 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.

8.14 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.

8.15 Mana whenua collectively believe the Applicants vision to re-develop the site, rather than continue industrial development along the river's edge, not only restores the mauri and reconnects mana whenua to their whenua, but creates a number of positive effects from a cultural, environmental and social perspective, that will enhance the holistic well-being for mana whenua, short and long term.

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.

9.2 In a number of the caucusing sessions, there were opportunities for elements of maatauranga Maaori to be implemented as part of PPC2. The Applicant is committed to

continuing to work with Waikato-Tainui, through its agreement in principle to the recommendations in the Cultural Impact Assessment, to achieve that outcome.

10. COMMENTS ON SUBMISSIONS

10.1 Submissions received in relation to cultural matters were generally supportive of the development. Turangawaewae Marae provided a neutral submission. I note no submissions were received from mana whenua opposing the proposed development.

11. CONCLUSION

11.1 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.

11.2 A comprehensive and robust process of engagement and consultation with TWWG has occurred from March 2017 to April 2019. My evidence has shown key matters have been identified by way of supportive submissions by Waikato Tainui, Ngaati Hauaa Iwi Trust and Carolyn Hopa of Ngaati Hauaa and have resulted in appropriate mitigation outcomes through both agreement between PGL and mana whenua and the proposed plan change provisions.

11.3 In summary, it is my view that:

- (a) The commissioning of the Cultural Impact Assessment is a result of two years of meaningful consultation with TWWG that identified and addressed matters of importance raised by tangata whenua. 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 has ultimately informed the design of the masterplan.
- (b) The consultation to date has, from my perspective, been conducted following best practice early engagement, and has been one of empowerment, informed, resourced, open and attended by tangata whenua representatives.

- (c) 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 to 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.
- (d) I do consider that the engagement undertaken with the TWWG reflects a commitment by PGL to work collaboratively with Waikato-Tainui and in accordance with the principles of partnership.
- (e) PGL has undertaken robust and transparent consultation with TWWG in a way that has empowered Waikato-Tainui Iwi and hapuu to make informed decisions on the Te Awa Lakes development. The TWWG aims to continue strong and meaningful discussions with PGL on all aspects of the development of Te Awa Lakes to ensure accountability towards cultural environmental and holistic well-being. This will be achieved through on-going consultation and engagement for developments post the Private Plan Change process, in accordance with the agreed-in-principle recommendations from the Cultural Impact Assessment.

Norman Hill

29 October 2019