

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE HAMILTON CITY COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (**Act**)  
**AND**

**IN THE MATTER** of an application for subdivision and land use  
consent for the Amberfield development  
pursuant to the Act.

**APPLICANT** Weston Lea Ltd Limited

**CONSENT AUTHORITY** Hamilton City Council

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**EVIDENCE-IN-CHIEF OF  
NORMAN HILL FOR WESTON LEA LTD LIMITED**

**Dated: 12 April 2019**

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## SUMMARY OF EVIDENCE

1. My name is Norman Hill and I am a Cultural Specialist with Boffa Miskell. I summarise my evidence, according to the key headings in this statement, as follows:

### ***Relevant RMA provisions and key statutory provisions*** (page 7)

- (a) Various pieces of legislation and planning documents including the Resource Management Act (**RMA**), Local Government Act 2002 and the Waikato Regional Policy Statement include processes for managing effects (also called impacts) of an activity on a range of values. My evidence and conclusions are by reference to these matters.

### ***Tangata Whenua of the development site*** (page 10)

- (b) The Amberfield subdivision and development site has historical, cultural and spiritual importance to Waikato-Tainui and the hapū of Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga. The protection of heritage, identity and environmental well-being attributes as mauri is vital to the well-being of mana whenua. Waikato Tainui continues to be bound by its cultural rules or cultural responsibilities in law and lore to protect and safeguard the spiritual and physical aspects of the environment.

### ***Tangata Whenua Working Group*** (page 10)

- (c) To satisfy the relevant statutory requirements of the RMA the Amberfield Project Team established a Tangata Whenua Working Group (**TWWG**) made up of representatives from Waikato Tainui, Ngāti Wairere, Ngāti Hauā Iwi Trust, Ngāti Tamainupo and Ngāti Māhanga to provide cultural and environmental leadership and advice to all aspects of Amberfield development, including the development of appropriate cultural and environmental mitigation recommendations to address potential cultural and environmental effects through a Cultural Impact Assessment Report.

**Consultation with TWWG**

(page 11)

- (d) A series of consultation and engagement meetings, including site visits were held with TWWG from September 2017 through to April 2019.
- (e) A Kawenata (partnership document) was signed on 20 February 2019. This formed a significant part of the engagement process, whereby Weston Lea signalled good faith intent to work on long term partnership outcomes with TWWG.
- (f) The key concerns raised by TWWG during consultation included effects on cultural heritage and significant sites, effects on the relationship with the Waikato River and indigenous ecosystem and biodiversity and maintaining the balance of 'mauri' of the holistic well-being of the natural environment.

**Issues raised in submissions**

(page 16)

- (g) Several submitters have raised issues relating to the cultural matters, including Waikato Tainui who raised concerns around the proposed installation of the wastewater pipe under the bed of the Waikato River and the proposed bridge over the Waikato River.
- (h) Weston Lea acknowledges the historical, cultural and spiritual importance of the Waikato River to Waikato Tainui and therefore undertook a robust engagement and consultation process with mana whenua to identify, understand and address cultural, spiritual and physical concerns. It is my understanding the optimal route for the wastewater pipe, with regard to technical feasibility, has been adopted by Weston Lea.

**Conclusion**

(page 18)

- (i) In my opinion, Weston Lea Limited has undertaken robust and transparent consultation with TWWG in a way that has empowered Waikato Tainui Iwi and hapū to make informed decisions on the proposed Amberfield development.

- (j) I am satisfied that the cultural issues raised during the consultation process with TWWG has resulted in the adequate mitigation of cultural effects through the proposed resource consent conditions.

## **INTRODUCTION**

2. My full name is Norman Peter Sonny Roy Hill. I am 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.
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.
4. I am affiliated to Waikato-Tainui Iwi, and Ngaati Whaawhaakia, Ngaati Naaho and Ngaati Mahanga hapū (sub tribes).
5. I have extensive knowledge and experience in working with whaanau, hapū 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 the Tai Timu Tai Pari Tai Ao, the Waikato-Tainui Environmental Plan, across Marae and hapū of Waikato-Tainui.
6. I have been retained by Weston Lea Limited (**Weston Lea**) to prepare a statement of evidence on its application for land use and subdivision consent from the Hamilton City Council (**HCC**) for the proposed Amberfield development (**proposed development**).
7. I am familiar with the application site and surrounding environment. I facilitated a number of sites 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 archaeological works.

## **CODE OF CONDUCT**

8. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
9. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence

of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

## **SCOPE OF EVIDENCE**

10. I have been engaged by Weston Lea as the cultural specialist and advisor to the proposed 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, and prepared the Cultural Impact Assessment which was appended to the Assessment of Environmental Effects (**AEE**).
11. 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.
12. The purpose of my evidence is to: provide an overview of the engagement and consultation undertaken by Weston Lea; 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**) have been addressed as they relate to cultural matters.

## **RELEVANT RMA PROVISIONS AND KEY STATUTORY DOCUMENTS**

13. 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. My evidence is informed by these statutory documents and the conclusions I have drawn are by reference to these matters.
14. The RMA includes a number of sections specifically designed to ensure that the various relationships of Maori 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.

15. Consultation assists in satisfying the relevant statutory requirements including:
  - (a) Section 6(e) (relationship of Māori 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).
  
16. 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 Māori 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 Māori in decision-making processes.
  
17. 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).

18. The Amberfield development sits within the area subject to the Te Ture Whaimana o te Awa o Waikato (**Vision and Strategy for the Waikato River**).
19. Waikato River Authority (**WRA**) was established in 2010 as the custodian of the Vision and Strategy for the Waikato River. Both the WRA and the Vision and Strategy were fashioned from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**Settlement Act**) to support the coordination of policy and restoration efforts within the catchment area. The Vision and Strategy is the primary direction setting document for the Waikato River and all it embraces. The vision for the Waikato River is as follows:
- ‘Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri.
- The river of life, each curve more beautiful than the last.*
- Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.’
20. The Vision and Strategy forms part of the RPS. This is an instrument which s 104(1)(b)(v) of the RMA directs that a consent authority must have regard to when considering an application for resource consent. However, s 17 of the Settlement Act means that, in addition, a consent authority must have “particular regard to” the Vision and Strategy when considering an application 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 104(1)(b)(v) consideration).
21. To have “particular regard to” is the same level of consideration specified for “other matters” in s 7 in Part 2 of the RMA. The wording conveys a greater level of consideration, or weighting, than just “having regard to”. It means giving genuine attention and thought to the statutory documents - which obviously requires correctly understanding the document.
22. In my view, this means that decision-makers should place particular emphasis on how activities and/or developments contribute in achieving the overarching purpose of the Vision and Strategy, which is to restore and protect the health and wellbeing of the Waikato River for future generations.

23. 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 is lodged with several councils, including Waikato Regional Council, in 2015. Councils must take the EMP in account under the RMA s ss. 66(2A) and 74(2A) of the RMA , where relevant, for any activity within the tribal area of Waikato-Tainui.

### **TANGATA WHENUA IN THE PROJECT AREA**

24. The Amberfield subdivision and development site adjoins the Waikato River in Hamilton South. 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.
25. The Waikato-Tainui tribe is made up of the descendants of the 33 Waikato hapū, who, at the date of this evidence, are represented by 68 Marae. There are approximately 70,000 registered members of Waikato-Tainui. The rohe of Waikato-Tainui includes Hamilton City Council district in terms of the LGA and the RMA, but also extends considerably beyond Hamilton's district boundaries.
26. 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.
27. Within the broader Waikato–Tainui iwi which Te Whakakitenga represents 33 hapū of Te Whakakitenga exercise their rights and responsibilities to ensure their tikanga, kawa and values are upheld through the Waikato–Tainui structure.

### **TANGATA WHENUA WORKING GROUP**

28. Initial engagement with Waikato Tainui Environmental Manager Tim Manukau, 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 Amberfield, including leading the development of appropriate cultural and environmental mitigation recommendations through a Cultural Impact Assessment Report.

29. The TWWG was made up of one primary representative and one proxy member representations of Waikato Tainui, Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga.

#### **CONSULTATION WITH TANGATA WHENUA WORKING GROUP**

30. Waikato-Tainui encourages and advocates 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.
31. A mutually agreed consultation process was agreed by Waikato Tainui, and agreement was reached with 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.
32. Eleven consultation and engagement meetings were held throughout from September 2017 to April 2019 with the TWWG. The purpose of hui was to review the master plan, technical presentations, recording discussion points and provide status updates of project developments as and when they progressed.
33. Site visits were undertaken with TWWG on 12 September 2017, 31 January 2018 including a (karakia) cultural ceremony on 23 March 2018. A record of who attended the various site visits is included in the Cultural Impact Assessment appended to the AEE.

34. A Kawenata was signed between Weston Lea and the TWWG on 20 February 2019.
35. The Kawenata is a high-level partnership agreement that captures a commitment to achieve cultural, environmental and social (employment etc) outcomes that are not captured solely in resource consents conditions. This commitment includes good faith engagement with TWWG regarding the archaeological reserve design, story-telling via sculptures, landscaping, street names, incorporating specific planting, Iwi research and education.
36. I consider the engagement and the regularity of meetings that has occurred has led to active protection of key environmental and cultural values aligned to key TWWG outcomes. The manner in which consultation was undertaken has been and will continue to be within the spirit of goodwill, partnership and understanding between TWWG and Weston Lea Ltd.

***Cultural and environmental effects***

37. In recognising the Māori history and traditional relationship with the area, on behalf of TWWG, as a cultural specialist with Boffa Miskell, I was commissioned to prepare the Cultural Impact Assessment that outlines the specific TWWG concerns in relation to the proposed development.
38. Consultation with TWWG identified the following matters as of particular concern:
  - (a) Effects on cultural heritage and significant sites;
  - (b) Effects on the relationship with the Waikato River;
  - (c) Effects on the relationship with indigenous ecosystem and biodiversity
39. The following section of my evidence provides some detail on the nature of TWWG concerns.

***Effects on cultural heritage and significant sites***

40. TWWG raised concerns about the various impacts on sites of significance, including traditional middens, and the significance of Nukuhau Pa site.

41. TWWG assisted in the design of the master plan. The issues they raised were considered and are reflected as part of the protection and enhancement of the site's cultural and heritage features.
42. Nukuhau Pa is situated to the South or outside the project area on land owned by Waikato Tainui. Whilst the Nukuhau Pa site is not included on the overall development plans, there is ample opportunity for TWWG members to work directly with Waikato-Tainui via Tainui Group Holdings to customise the Nukuhau site, should they wish to pursue that option.
43. Archaeological assessments undertaken for the proposed development identify potential for impacts on a number of recorded archaeological sites and numerous unrecorded sites and places of archaeological significance.
44. Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. The process of engagement with TWWG was one of empowerment and growth from a technical and cultural perspective. This process included a comprehensive site walk over and a series of archaeological presentations from Warren Gumbley. This led to the Heritage New Zealand authority application being supported by TWWG and eventually granted by Heritage New Zealand. This process is further explained by Warren Gumbley in his evidence-in-chief.
45. The TWWG were also invited to participate in cultural monitoring during archaeological assessments. The invitation allowed for a member of TWWG or a rangatahi (youth) connected to any of the hapuu, to work alongside the archaeologist to assist in digging and any removal of archaeological material, should any be found. Unfortunately, no TWWG members or rangatahi were able to take up the invitation due to timing constraints.

***Effects on the relationship with the Waikato River***

46. During consultation with the project team, 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.

47. Traditionally, the Waikato River and local streams were important mahinga kai or food gathering areas. The river continues to sustain important habitats for native fish populations, and other flora and fauna. Even today, the importance TWWG place upon waterways for customary activities remains unchanged.
48. TWWG expressed concern about storm water impacts and wastewater discharge to the Waikato River.
49. The methodologies proposed for storm water treatment and solutions for wastewater disposal are discussed in more detail by Mr Ray O'Callaghan in his evidence-in-chief with reference to the sub-catchment Integrated Catchment Management Plan (**SC-ICMP**).
50. The SC-ICMP, and the development's management of stormwater and wastewater, is supported in principle from the TWWG for the wastewater connection to the far eastern interceptor (via a pipe under the river).
51. Stormwater will be managed onsite by retention, attenuation and treatment devices which utilise land treatment/discharge, as well as the open spaces and park areas. I understand this is designed to minimise as much as possible contamination of groundwater systems and downstream waterways.
52. Biophysical concerns connected to piping wastewater under the bed of the Waikato River were including concerns of potential leaking or discharge of waste from the underground piping into the Waikato River. However, the TWWG ended up agreeing, on balance, that the far eastern interceptor option provided adequate mechanisms to ensure protection against potential leakage or discharge. It was agreed the underground option is a pragmatic interim solution until such time as the bridge is constructed and piping can be connected to the bridge and extended over the river.

***Effects on the relationship with indigenous ecosystem and biodiversity***

53. TWWG expressed concerns about the impacts of Amberfield on environmental and ecological values. They were particularly concerned about potential impacts on natural systems and the life forms those natural systems support. TWWG wanted to ensure a balance of mauri (life force / cultural well-being) was maintained:

- (a) generally in relation to wai (water), whenua (land), and taonga kararehe (special native animals); and
  - (b) specifically in relation to long-tail bats (pekapeka).
54. Indigenous fauna on site is described in the ecological report prepared by Boffa Miskell Limited and appended to the application. 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.
55. The ecological report noted that the long-tailed bat, which is threatened and nationally critical, is present within the site. Since the application has been lodged, Weston Lea has made changes to address effects on the long-tailed bat population. The development layout in the north eastern has been setback further from the river and a bat foraging reserve will be established. Other existing vegetation on site will also retained to ensure the bat movement across the site. The evidence of Ms Cummings and Dr Parsons confirm that the proposed mitigation package adequately mitigates the impacts of the development on the long-tailed bat.<sup>1</sup> Ms Cummings also states that 18.5 ha of bat habitat will be restored on site, being seven times the bat habitat being permanently removed.<sup>2</sup> Ms Cummings notes this will be positive outcome for the long-tailed bats in the long-term.
56. TWWG support these initiatives that provide a net benefit to the long tail bats.
57. The loss and fragmentation of indigenous vegetation and habitats is minimal to none, but will be enhanced through replanting, rehabilitation and mitigation measures. This is confirmed in the evidence-in-chief of Mr Andrew Blayney.
58. Maintaining the 'mauri' (life force) of the natural environment affected by project is the focus of the proposed resource consent conditions that have been prepared in discussion with TWWG.

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<sup>1</sup> Evidence-in-chief of Ms Georgia Cummings, at [95(m)], and Evidence-in-chief of Dr Stuart Parsons at [60].

<sup>2</sup> Evidence-in-chief of Ms Cummings, at [54].

***Methods to avoid, remedy or mitigate cultural and environmental effects***

59. In summary, mitigation measures that have been informed by consultation with TWWG and are proposed as part of the project include:
- (a) Specific measures identifying and acknowledging the places, values of heritage and cultural significance to tangata whenua to reaffirm 'whakapapa' the traditional cultural story/cultural narrative to support the cultural indigenous place-making throughout the Amberfield Subdivision. This focuses on opportunities to recognise and provide for the enhancement and tangible reflection of mana whenua cultural values as a key element of land management and development;
  - (b) An integrated SC-ICMP that provides an overall solution to wastewater and storm water issues, including the installation and development of retention, attenuation and treatment devices which utilise land treatment/discharge, as well as the open spaces and park areas;
  - (c) The creation of a formal archaeological reserve (Lot 1510) that reaffirms cultural connectivity and whakapapa to place and space by way of having a cultural landmark and feature within the Amberfield development. Cultural identity will also be affirmed by way of naming and cultural symbolism in the reserve;
  - (d) As part of the mitigation of cultural effects for the Project, Weston Lea has entered into a formal partnership agreement with Waikato Tainui via the TWWG, in order to achieve key cultural outcomes.
60. Subject to the effective implementation of the measures described above, it is my view that the concerns of tangata whenua will be appropriately addressed.

**ISSUES RAISED IN SUBMISSIONS**

61. Two submitters (Submissions 16 and 68) opposed the subdivision being named "Amberfield," with one submitter suggesting the name was insensitive given that the land in question was confiscated from local iwi.

62. Formal advice had not been sought from TWWG in regard to naming of the subdivision. However, the signing of the Kawenata on 20 Feb 2019 affirms a process of good faith between the parties, therefore in order to provide for cultural connectivity and traditional recognition to the area, Weston Lea has agreed to allow TWWG to name the cultural reserve, provide for indigenous cultural designs and symbols including interpretative signage, naming of some streets, streetscape design and cultural symbolism where applicable.
63. Waikato Tainui (on behalf of Te Whakakitenga o Waikato Inc)<sup>3</sup> raised concerns around the proposed installation of the wastewater pipe under the bed of the Waikato River and the proposed bridge over the Waikato River. The concern is due to the metaphysical and spiritual importance of the Waikato River and the abhorrence of wastewater and potential risk and harm to the mauri and mana of the Waikato River.
64. Waikato Tainui states that the wastewater pipe proposed to be placed under both banks of the river including the bridge over the river requires resource consent under s 47 of the Settlement Act. It also states that Hamilton City Council are required to consult with the Waikato River Authority. It is my understanding that a resource consent is not required from the Waikato Regional Council to drill the pipe under the bed of the river and the consultation requirements under the Settlement Act do not apply. The consent requirements are further explained by Dave Serjeant in his evidence-in-chief in paragraph 120.
65. Weston Lea acknowledges the historical, cultural and spiritual importance of the Waikato River to Waikato Tainui and the hapū of Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga. As required, Weston Lea undertook a robust engagement and consultation process with mana whenua to identify, understand and address cultural, spiritual and physical concerns.
66. The optimal route with regard to technical feasibility for the wastewater pipe is described under in the SC-ICMP and the evidence-in-chief of Mr O'Callaghan. The technical assessment concerning feasibility was presented by Mr O'Callaghan over a number of meetings and thoroughly discussed with the TWWG. This includes the fact that route design and depths are based on

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<sup>3</sup> Submission 52.

best practicable options, the piping under the bed of the river is a temporary option. A TWWG SC-ICMP support letter was signed and provided to this effect on 9 July 2018.

67. It is my understanding that Waikato Tainui's submission on the application is a result of a lack of clarity as what has been discussed and decided within the TWWG. As noted above, the TWWG is made up of one primary representative and members representing Waikato Tainui, Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga. Some members were not able to attend all hui and therefore were not able to fully connect to and the understand the discussions and decisions made by TWWG. The submission from Waikato-Tainui is independent of the collective decisions making processes of TWWG. TWWG has the mandate with the iwi authority, Te Whakakitenga o Waikato, to work with Weston Lea.
68. I also note that Sonny Karena, on behalf of the TWWG, lodged a submission in support of the application as result of the consultation and engagement with the TWWG.

### **CONCLUSION**

69. The Amberfield area has historical, cultural and spiritual importance to Waikato Tainui and the hapū of Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga. The protection of heritage, identity and environmental attributes, such as mauri, are vital to the well-being of mana whenua. Waikato Tainui continues to be bound by its cultural rules or cultural responsibilities in law and lore to protect and safeguard the spiritual and physical aspects of the environment.
70. A comprehensive and robust process of engagement and consultation with TWWG has occurred from September 2017 to April 2019. My evidence has shown key matters have been identified by way of supportive submissions by Tangata Whenua Working Group and resulted in the adequate mitigation outcomes through resource consent conditions.
71. In summary, it is my view that:

- (a) the cultural issues raised during the consultation process are adequately mitigated by the proposed mitigation measures.
- (b) 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 is provided for. In my opinion the development proposal, achieves the purpose of the listed legislative requirements through the consent conditions.
- (c) Where potential adverse effects on cultural values have been identified, the Amberfield 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
- (d) I do consider that the engagement undertaken between TWWG reflects a commitment by Weston Lea Ltd to work collaboratively with Waikato Tainui and in accordance with the principles of partnership
- (e) A Kawenata, a formal Partnership Document has been signed, which aims to achieve mutually beneficial partnership outcomes between Weston Lea and the TWWG.
- (f) Weston Lea has undertaken robust and transparent consultation with TWWG in a way that has empowered Waikato Tainui Iwi and hapū to make informed decisions on the Amberfield development.

**Dated this 12 April 2019**



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**Norman Hill**