

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF an application for resource consent for
the redevelopment of the former
Hamilton Hotel building at 170 Victoria
Street, Hamilton CBD

**STATEMENT OF EVIDENCE OF MAKERE RIKA-HEKE ON BEHALF OF HERITAGE NEW
ZEALAND POUHERE TAONGA**

07 OCTOBER 2019

Introduction

1. My full name is Margaret Makere Rika-Heke
2. I am currently employed as the Senior Pouārahi of the Māori Heritage Team in the Northern Region of Heritage New Zealand Pouhere Taonga (**HNZPT**). I have the position of Pouarahi with HNZPT for a decade. I am also a member of the New Zealand Archaeological Association (NZAA) and former Representative for New Zealand and Indigenous Peoples on the World Archaeological Congress Council.
3. I have an MA in Anthropology specialising in Archaeology and Ancient History. I have had over 10 years' experience in Archaeology working on projects in New Zealand and overseas. I am one of the foundering members of the Maori Advisory Group which advises the NZAA. I am also an accredited Commissioner.
4. My previous work experience includes working as an archaeological sub-contractor and consultant for various consultancy firms including the University of Auckland, Bio Researchers, Geometria, Archaeological Solutions and others.
5. I have read Dr Rachel Darmody's statement of evidence and I am aware of the matters raised within it. I agree with those matters and wish to make this additional statement providing further evidence focused upon the historical and cultural heritage value of the archaeological sites and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga.

Code of Conduct

6. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is entirely within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of this evidence

7. In my evidence I will address the application as it relates to Māori heritage matters in particular:
- (a) my role in assessing the adequacy of information supplied with the application under the Heritage New Zealand Pouhere Taonga Act 2014 (**Heritage Act**);
 - (b) HNZPT consideration of the application as it relates to the Māori historical and cultural heritage considerations in s46, 48 & 49 of the Heritage Act;
 - (c) my response to matters of consideration regarding consultation

My role

8. My role in relation to the application has involved:
- (a) reviewing the application documentation for this activity,
 - (b) liaising with Tangata Whenua cited as being consulted parties for the proposal;
 - (c) assessing the Māori historical and cultural heritage values of the Property;
 - (d) liaising with Regional Senior Archaeologist Dr Rachel Darmody, Regional Archaeologist for the Lower Northern Regional Office of HNZPT, to review the Applicants proposal and to assess the Māori Heritage components.
9. I have been involved in assessing the information; particularly the Maori Heritage Values that overlay the proposal area, with regard to the development of a new theatre complex referred to as the Waikato Regional Theatre Project, which is being proposed at 170 and 198 Victoria Street in Hamilton (**Property**).

The proposed development will comprise a 1,100-seat flexible lyric theatre constructed over split levels, with a garden area, and it will include a new hotel located on the Victoria Street frontage and an art gallery, to provide views onto the Waikato River

10. I have visited the Property on one occasion with HNZPT Regional Senior Archaeologist Dr Rachel Darmody and Planner Carolyn McAlley. I visited the Property to familiarise myself with the archaeological sites and broader area. I also visited the Property to ascertain consultation endeavours to date and to discuss any concerns and or issues that dropped out of engagement with Tangata Whenua Groups and other parties.

11. Heritage New Zealand received an Authority Application from the Waikato Regional Theatre Governance Panel on 16 September 2019. The application was not accepted because it was determined as incomplete. It was returned because:
 - A) There was not enough information for Heritage New Zealand to make a decision on the extent and condition of the archaeology relating to the scheduled urupa. This aspect is addressed in the evidence provided by my colleague Dr Rachel Darmody.
 - B) There was deemed to be incomplete consultation with Tangata Whenua.
12. From consultation documentation provided; it could be ascertained that the Applicant had engaged with local Representative Iwi groups such as Te Hā o Te Whenua o Kirikiriroa (THWAK) (et al Sub 17), Ngāti Wairere and Waikato Tainui (et al Sub 28). THWAK, Ngāti Wairere and Waikato Tainui have been involved with the application since May 2018. The record of consultation and engagement was robust but was ultimately concluded to be incomplete and therefore unable to be progressed. Hence the determination of a return citing incomplete consultation.
13. The archaeological application was deemed incomplete because although it is acknowledged that the Applicant and their Agents have undertaken consultation with many parties; including Ngāti Wairere, an interested party who opposes proposed works in the Urupa Te Hua o Te Atua, indicated their discord being omitted from initial consultation endeavours - Nga Mana Toopu O Kirikiriroa (NaMTOK).
14. In speaking with various consulted parties, I was able to identify that there were mandate issues between Ngāti Wairere and Nga Mana Toopu O Kirikiriroa (NaMTOK), who were at one time Ngāti Wairere affiliates.
15. Mr. Wiremu Puke from Nga Mana Toopu O Kirikiriroa (NaMTOK) identified that he had not been consulted and indicated to the nominated s45 Archaeologist Kim Tatton of Clough & Associates and to myself, his intention to appeal any permissive grant including an archaeological authority et al email correspondence Tatton to Puke on 2 October 2019
16. It is my understanding that Mr. Wiremu Puke from Nga Mana Toopu O Kirikiriroa (NaMTOK) opposes any works to be undertaken within the Urupa referred to as Te

Hua o Te Atua, as he considers that hallowed ground where the dead rest and tapu. Mr. Puke sees any forward action on the proposal regarding physical works, as being tantamount to desecration of sacred space. He is immovable from his position.

Whilst the granting of Resource Consent involves different criteria and assessment, it may be useful for the Commissioners to understand from a Māori heritage perspective why the current application does not meet the standards for acceptance for an Archaeological Authority under the HNZPTA permittance process.

Assessing the adequacy of information supplied with the application

17. HNZPT must be satisfied that the application includes all the information required by s46 of the Heritage Act (s46). If satisfied it must accept the application and advise the applicant when notice of the decision on the application will be given.
18. I was involved in this assessment as it related to Māori values and consultation with tangata whenua. I was therefore involved in assessing the requirements under s 46(2) (g) and s 46(2) (h). I expand on my assessment of these sections below.

Assessment of the Māori values of the archaeological sites in detail that is appropriate to the scale and significance of the proposed activity and the proposed modification or destruction of the archaeological site – s 46(2) (g) and (ii) the effect of the proposed activity on those values.

19. When submitting an application for authority, s46(2)(g) requires an assessment of the Māori values of the archaeological sites in detail that is appropriate to the scale and significance of the proposed activity and the proposed modification and or destruction of the archaeological site. An assessment of the effect of the proposed activity on those values is also required.
20. The Applicant provided a comprehensive document for perusal, referred to as the *Waikato Theatre Project Assessment of Maori Values Document*.

Consultation with tangata whenua – s 46(2) (h)

21. As described, at paragraph 18 when submitting an application for an archaeological authority, Applicants are required to address the matters in s46 of the Heritage New Zealand Pouhere Taonga Act 2014. This includes a statement as to whether consultation with Tangata Whenua, the owner of the relevant land (if the applicant is not the owner), or any other person likely to be affected has taken place, with details of the consultation, including the names of the parties and the tenor of the views expressed; or a statement that consultation has not taken place with the reasons why consultation has not occurred.
22. The application did include a statement about consultation with local Tangata Whenua minus NaMTOK. The Applicant advised that it had consulted with Tangata Whenua and other potentially affected parties by sharing Clough and Associates archaeological assessment reports and other relevant information with:
- (a) Waikato Tainui
 - (b) THAWK
 - (c) Ngāti Wairere & Ngāti Mahanga
23. In summary, although the Applicant advised that its representatives met with several consulted parties on marae, at designated meetings and on site to discuss the proposal, they did not engage NaMTOK. It would be prudent for the Applicant to undertake consultation with ALL Mana Whenua groups who have expressed an interest in this proposal.

Margaret Makere Rika-Heke

7 October 2019