

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** proposed private Plan Change 12 to the  
Waipā District Plan by Sanderson Group  
Limited and Kotare Properties Limited for  
the rezoning of Growth Cell T2 from  
'deferred residential zone' to 'residential'

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**STATEMENT OF EVIDENCE OF NORMAN HILL**

**CULTURAL**

**15 March 2021**

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## **Introduction**

1. My name is Norman Hill. I am a Cultural and Environmental consultant. For 3.5 years I was a Senior Professional Consultant (cultural heritage/environmental management) at the Hamilton office of Boffa Miskell Ltd, a company specialising in landscape, urban design and resource management. Since 2019 I have been working as an independent cultural and environmental consultant.
2. My qualification is a Bachelor of Science (BSc) degree from the University of Waikato.
3. I have over 20 years' experience in a wide range of projects including environmental management, strategy and best practice corporate - cultural relationship engagement. 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 and across marae and hapuu of Waikato-Tainui.

## **Code of Conduct for Expert Witnesses**

4. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Consolidated Practice Note 2014) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

**Scope of evidence**

5. My evidence will cover:
  - (a) Relevant RMA provisions and key statutory documents;
  - (b) Mana Whenua in the Project Area;
  - (c) Consultation undertaken with Mana Whenua;
  - (d) Cultural and Environmental Effects of Interest to Mana Whenua;
  - (e) Recommendations;
  - (f) The Section 42A report; and
  - (g) Conclusions.
  
6. My evidence draws on the assessment and conclusions made in the Cultural Impact Assessment (CIA) prepared for Plan Change 12. The CIA is attached to the Request for Plan Change 12 document at Appendix L.
  
7. I have read and am familiar with the submissions, officer's report and the proposed changes to be made to the Waipa District Plan.
  
8. Various site visits have been carried out over the course of this project.

**Executive summary**

9. Plan Change 12 (PC12) seeks to rezone Growth Cell T2 of the Waipa District Plan (WDP) from Deferred Residential to Residential, effectively uplifting the deferred status of the current zoning. It is also proposed to insert a structure plan into the District Plan for the entire Growth Cell T2 area, which will outline a high level overview of the infrastructure requirements of the growth cell and potential development pattern.
  
10. The underlying proposal and driver of PC12 is the construction of the proposed retirement village development led by Sanderson Group Limited and

residential subdivision led by Kotare Consultants Limited, at 10 and 52 Frontier Road. These developments are proposed on the southern half of the growth cell with the northern half remaining undeveloped until at least 2035.

11. A Cultural Impact Assessment (CIA) has been prepared for Plan Change 12. The CIA sets out recommendations for accidental discovery protocols, inspections and site visits prior to physical works, placement of cultural features within subsequent development proposals and establishment of a cultural health indicator framework for water quality and quantity for the Mangapiko Stream. The CIA also recommends a partnership between the developers and mana whenua be established to allow for mana whenua to oversee implementation of the project and subsequent resource consents.
12. The CIA concludes that there are no significant effects on the cultural values associated with the area, subject to the recommendations set out in the CIA which Sanderson and Kotare have agreed to implement.
13. There are no submissions relevant to cultural matters and I conclude that there are no reasons why the proposed plan change could not be approved.

### **Relevant RMA Provisions and Key Statutory Documents**

14. Various pieces of legislation and statutory planning documents, including the RMA, and Waikato Regional Policy Statement (RPS), include processes for managing effects 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.

#### *Resource Management Act 1991 (RMA)*

15. 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. The RMA provisions require substantive and procedural recognition of Maaori values. Part 2 of the RMA contains the overriding purpose and principles. The primary Part 2 provisions which expressly address Maaori values require persons exercising functions under the RMA to:

- (a) Recognise and provide for the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e) – Matters of National Importance);
  - (b) Recognise and provide for the protection of protected customary rights (s6(g) – Matters of National Importance);
  - (c) Have particular regard to kaitiakitanga (s7(a) – Other Matters);
  - (d) Take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (s8 – Treaty of Waitangi).
16. Further to the above, applicants for private plan changes under clause 22 of Schedule 1 of the RMA are required to identify all effects of a proposal and then demonstrate that, where adverse effects are identified, the applicant has satisfactorily shown they can avoid, remedy or mitigate such effects, including any cultural effects of the proposal.
17. The RMA recognises that Maaori values and world views will influence the outcome of RMA decisions and are to be given practical effect in policy and planning instruments and consenting processes.

*Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA)*

18. The HNZPTA provides for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. It requires

that modification or destruction of an archaeological site needs an archaeological authority and sets out penalties for the unauthorised modification or destruction of archaeological sites.

19. There are no identified archaeological sites on the subject site.

*Waikato Regional Policy Statement (RPS) and Te Ture Whaimana o te Awa o Waikato (Vision and Strategy for the Waikato River)*

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

21. 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 relate 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 Waikato River Catchment includes the lower reaches of the Waipa River. The overarching purpose of the Vision and Strategy is to restore and protect the health and wellbeing of the Waikato River for future generations.

22. The proposed plan change gives effect to the Vision and Strategy by creating a new wetland area and allowing for the implementation of low impact stormwater design as part of the subsequent developments.

*Tai Tumu Tai Pari Tai Ao (Waikato-Tainui Environmental Plan)*

23. This plan was prepared by Waikato-Tainui Te Kauhanganui Incorporated, the mandated iwi authority at the time. The Plan is a recognised iwi planning

document for the purposes of the RMA (s 35A), Waikato River Act (s 40 and s 94) and Clause 9 of the Waikato-Tainui Deed of Settlement.

24. The overarching purpose of the plan is to provide a pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha.

### **Mana Whenua in the Project Area**

25. Ngāti Apakura and Ngāti Hikairo are identified as being the iwi/tribes of the Structure Plan area known as Growth Cell T2. Both are intimately connected through whakapapa/relationship.
26. Both iwi/tribes are the recognised mana whenua iwi for the project site and I understand that their mana whenua status for the application area is recognised by both the Waipa District Council and Waikato Regional Council.

### **Consultation with Mana Whenua**

27. Iwi encourages and advocates for developers and external agencies to undertake best practise early engagement in accordance with the Waikato-Tainui EMP. This process is as follows:
  - (a) To engage 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 mana whenua has occurred, to ensure compliance with statutory/legal requirements.
28. Iwi engagement for the Growth Cell took place in 2020. After initially contacting Waikato Tainui, I was directed to Ngāti Korokii Kahukura, followed

by Ngāti Apakura and Ngāti Hikairo. Various discussions led to direct conversations with kaumatua of Purekireki Marae, Whaea Haupai Puke. Whaea Haupai Puke reaffirmed her mandate on behalf of Ngāti Apakura and Ngāti Hikairo.

29. As would be expected Whaea Haupai on behalf of her people reaffirmed a deep interest in the heritage and environmental aspects of the proposal as recorded in the Cultural Impact Assessment. As a visionary for her people, she recognised opportunities within the application.
30. Specifically, the following was reaffirmed through iwi engagement on this project:
  - (a) Reaffirmed identity, whakapapa and enduring relationship with the whenua or land in Te Awamutu. The project area is of historic, cultural, and spiritual significance and important to iwi.
  - (b) Mana motuhake, rangatiratanga are key concepts underpinning how Ngati Apakura exercise 'kaitiakitanga'. Through these concepts we demonstrate our authority of kaitiakitanga over the environment and its resources. They enable us to protect, enhance, restore, and utilise natural and physical resources appropriately.
  - (c) Freshwater is the source of all life. Protection and access to Mangapiko Stream, including protecting its heritage values should be upheld.
31. Mana whenua concerns regarding land management stem primarily from the effects of human activities. This relates to any development, mismanagement, unsustainable planning of land resources which has potential implications for water quality, aquatic biodiversity, habitat loss, heritage protection and the survival of indigenous flora and fauna.



32. Mana whenua considers all land within the rohe to be ancestral land. Even if they are not the 'owners' of the land they still have responsibilities and obligations as kaitiaki, therefore inappropriate activities that have adverse impacts on whenua, wai ora and heritage are not acceptable. Effective planning processes are needed for managing these effects.

### **Cultural and Environmental Effects of Interest to Mana Whenua**

33. Drawing on the Cultural Impact Assessment written by Whaea Haupai and reviewing the submissions provided, I identified and captured several concerns:
- (a) Effects on cultural heritage;
  - (b) Effects on the Mangapiko Stream; and
  - (c) Effects on the environmental landscape.

#### *Effects on Cultural Heritage*

34. Iwi have a special ancestral, cultural and spiritual association with the site and environs and interest in what occurs on the site.
35. Overall, the proposed rezoning will not have any heritage or archaeological effects because it is expected that at the time of resource consent for the future development, conditions relating to accidental discovery and heritage will be imposed.

#### *Effects on Wai Ora – Water Quantity and Quality*

36. Water is precious and needs to be managed as a taonga. This includes springs/puna and tangata whenua interact with all these. It is part of the

genealogy that binds the people with the river, animals, plants, mountains, and lakes.

37. The protection of the Mangapiko is essential. Mana whenua reaffirmed the obligations to recognise and uphold the Te Ture Whaimana o Te Awa o Waikato, the Vision and Strategy for the Waikato and te Waiwaia Accord.
38. Within the Growth Cell T1 is a wetland which is being developed to encourage wildlife to inhabit that area. Iwi proposed a similar project to be instigated by Sanderson Group Ltd and/or Kōtare Properties Ltd, as well as the naming of roads to commemorate the origins of the Growth Cell site.
39. Mangapiko Stream has cultural, traditional and historical ties with Ngaati Hikairo and Ngaati Apakura. Its cultural and spiritual importance has extended over many generations, since the inland settlement of tribal ancestors arrived in Aotearoa.
40. The Mangapiko Stream represents the mana and mauri of Ngaati Hikairo and Ngaati Apakura and its physical and spiritual properties are both protective and healing. It is an important feature in historical context of the land wars, where it flows past the Matakītaki Pa site.
41. It was historically a food basket for iwi and it flows into the Waipa River and furthermore into the Waikato River.
42. Protecting the environmental, cultural and spiritual values of Mangapiko must be upheld. The stormwater management system will ensure this protection is in place, and will be supported by the recommendations in my CIA to have a cultural health indicator framework for water quality and quantity standards.

## Effects on the Environmental Landscape

43. While any subdivision development will cause changes to the outlook of the surrounding locality, the level of effects is considered to be low because the primary visual effect will be the loss of the existing rural outlook. The Plan Change provisions and the recommendations provided in the evidence of Jo Soanes mitigate these effects, however conditions at the land use and subdivision consenting stage are also appropriate.

## Recommendations

44. My recommendations to ensure that any adverse cultural effects are avoided, remedied or mitigated are:
- (a) Establishment of a wetland to encourage wildlife;
  - (b) Naming of roads to commemorate origins of growth cell;
  - (c) Ensure an accidental discovery protocol applies to future development;
  - (d) Implement a cultural health indicator framework for water quality and water quantity;
  - (e) Implement cultural protocols, including observing tikanga before works commence, and the placement of cultural features within the development; and
  - (f) Development of partnership outcomes with local iwi.
45. As discussed below, I consider that where required, these recommendations are more appropriately addressed through the consenting process than through the plan change.

**Officer's Report**

46. I have read the Officer's Report and confirm that I agree with the statements made in it in relation to cultural matters. I note that the report confirms that the applicant has accepted the recommendation of my CIA and is committed to implementing them through the subsequent resource consenting, design and constructions phases for the PPC12 site. I consider that this is the appropriate way to implement my recommendations, rather than through this plan change.

**Conclusion**

47. The T2 area has historical, cultural and spiritual importance to mana whenua and the hapuu of Ngaati Hikairo and Ngaati Apakura. The protection of heritage, identity and environmental attributes, such as mauri, are vital to the well-being of mana whenua.
48. The process of engagement and consultation with mana whenua has occurred from the outset of the project. The consultation to date, from my perspective, was conducted following early engagement, and has been informed, open and led by Whaea Haupai Puke.
49. Part 2 of the RMA, 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 T2 proposal achieves the purpose of the listed legislative requirements.
50. I conclude that there are no reasons why the proposed plan change could not be approved.

Norman Hill  
15 March 2021