

**BEFORE THE WAIPĀ DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of Proposed Plan Change 20 – Airport Northern  
Precinct Extension to the Operative Waipā  
District Plan

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**STATEMENT OF EVIDENCE OF NORMAN HILL**

**CULTURAL**

**28 FEBRUARY 2023**

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**Counsel acting:**  
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## **INTRODUCTION**

### **Qualifications and experience**

1. My full name is Norman Peter Sonny Roy Hill.
2. I am a cultural and environmental consultant. Since 2019 I have been working as an independent cultural and environmental consultant for Te Hira Consultants Ltd. Prior to this 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.
3. I hold the qualification of a Bachelor of Science (BSc) degree from the University of Waikato.
4. 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 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 Tumu, Tai Pari, Tai Ao, the Waikato-Tainui Environmental Plan and across marae and hapuu of Waikato-Tainui.
5. I am affiliated to Waikato-Tainui Iwi, and Ngaati Whaawhaakia, Ngaati Naaho and Ngaati Mahanga hapū.

### **Involvement in Proposed Plan Change 20**

6. I have been engaged by Titanium Park Limited ("TPL") and Rukuhia Properties Limited ("RPL") as the cultural specialist and adviser for Proposed Plan Change 20 ("PC20"). I have co-ordinated and managed the mana whenua engagement process since late-2021 and I was the author of Cultural Impact Assessment ("CIA") which was appended to the PC20 application.
7. I am familiar with the Northern Precinct and the area surrounding the Hamilton Airport which I have visited on numerous occasions. I have read the relevant parts of the application, submissions and the Section 42A Report.

## **Code of Conduct**

8. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

9. In my evidence, I:
  - (a) provide an executive summary of my key conclusions;
  - (b) summarise relevant RMA provisions and key statutory documents related to cultural matters;
  - (c) provide an overview of the engagement and consultation undertaken by TPL/RPL with mana whenua;
  - (d) summarise the relevant aspects of PC20 with respect to cultural values, cultural effects and the recommendations in the CIA; and
  - (e) Respond to relevant parts of the section 42A Report.
10. I note that there are no submissions or further submissions that relate to cultural matters and I therefore do not address submissions received.

## **EXECUTIVE SUMMARY**

11. The PC20 site 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. Ngaati Korokii-Kahukura, Ngaati Hauaa and Ngaati Maahanga are taangata whenua and share mana (power and authority derived from whakapapa, continued occupation, and use) for this area.
12. The CIA which has been prepared for PC20 ensures that the principles, significant values and issues of NITOW and Waikato-Tainui are articulated, acknowledged and understood in response to the land subject to the PC20 application and its subsequent development. Many of the recommendations in the CIA relate to future phases of development that will be facilitated by PC20. I am comfortable that the PC20 proposal adequately addresses the CIA recommendations to the extent that it can. The engagement that has occurred to date (which is ongoing) has resulted in a strong working relationship between

TPL/RPL and NITOW which is likely to be formalised in a MOU in the near future. Waikato-Tainui is supportive of engagement continuing to occur with mana whenua via NITOW.

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

13. Requirements for managing effects on Maaori values are addressed through various pieces of legislation (including the RMA) and statutory planning documents. 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)**

14. Plan change applicants are required<sup>1</sup> to describe environmental effects in such detail as corresponds with the scale and significance of the actual and potential effects anticipated from the implementation of the plan change. Such effects include cultural effects.
15. Section 74(1)(b) provides that when considering a plan change, it is necessary to do so in accordance with the provisions of Part 2. From a cultural values perspective, the relevant matters in Part 2 of the RMA include:
- (a) s6(e) – the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is a matter of national importance which must be recognised and provided for;
  - (b) s6(g) – the protection of protected customary rights is a matter of national importance which must be recognised and provided for;
  - (c) s7(a) – kaitiakitanga is a matter which particular regard must be had to;
  - (d) s8 – the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) must be taken into account.
16. Additionally, s74(2A) of the RMA requires that territorial authorities must take into account any relevant planning document which is recognised by an iwi authority and lodged with the territorial authority when preparing or changing a district plan.

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<sup>1</sup> Clause 22(3) of the First Schedule.

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

17. 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. Mr Gainsford has considered the presence of any archaeological sites located within the Northern Precinct PC20 area and concludes there is no evidence of archaeology and it is unlikely that any archaeology exists.

### **Te Ture Whaimana o te Awa o Waikato (Vision and Strategy for the Waikato River)**

18. Te Ture Whaimana o te Awa o Waikato is the primary direction setting document for the Waikato River catchment from Te Taaheke Hukahuka (Huka Falls) to Te Puuaha o Waikato (the mouth) and all of the Waipaa River. Section 9(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the Settlement Act) states that:

*“The vision and strategy apply to the Waikato River and activities within its catchment affecting the Waikato River.”*

19. The PC20 site is within the Waikato River catchment so Te Ture Whaimana o te Awa o Waikato applies.

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

20. Tai Tumu, Tai Pari, Tai Ao was prepared by Waikato-Tainui Te Kauhanganui Incorporated, the mandated iwi authority at the time. 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.
21. The Plan is a recognised iwi planning document for the purposes of the RMA (s35A) which must be taken into account by territorial authorities in accordance with s74(2A) of the RMA.

### **Te Rautaki Taamata o Turoa o Hauaa (Ngaati Hauaa Environmental Management Plan)**

22. Te Rautaki Taamata o Turoa o Hauaa was prepared by Ngaati Hauaa Iwi Trust. The overarching purpose of the plan is to express and articulate Ngāti Hauā’s values, frustrations, aspirations and position statements in relation to the taiao (environment).

23. The Plan is a recognised iwi planning document for the purposes of the RMA (s35A) which must be taken into account by territorial authorities in accordance with s74(2A) of the RMA.

#### **MANA WHENUA IN THE PC20 AREA**

24. The PC20 site 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. 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.
25. Ngaati Korokii-Kahukura, Ngaati Hauaa and Ngaati Maahanga are taangata whenua and share mana (power and authority derived from whakapapa, continued occupation, and use) for this area.

#### **CONSULTATION WITH MANA WHENUA**

26. 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 Tai Tumu, Tai Pari, Tai Ao. 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 achieve compliance with statutory/legal requirements.
27. Engagement with mana whenua commenced early in the master planning phase for the Northern Precinct in 2019 and remains ongoing. A total of six hui have been held to date, including four hui with Ngāa Iwi Toopu o Waipāa (“NITOW”) and two hui with Waikato-Tainui. Ngaati Korokii-Kahukura, Ngaati Hauaa and Ngaati Maahanga all have representation through NITOW. Another hui has been arranged with NITOW in early-March.
28. NITOW, translated as The Assembled People of Waipā, is a group that represents all hapū in the Waipā District. They meet monthly and consider resource consent

applications. They also consider other issues that are brought directly to Iwi for consultation and consideration.

29. The CIA which has been prepared for PC20 ensures that the principles, significant values and issues of NITOW and Waikato-Tainui are articulated, acknowledged and understood in response to the land subject to the PC20 application and its subsequent development. The approach and methodology of preparing the CIA included researching cultural and historical information of the area, assessing technical information and masterplans and engagement with NITOW and Waikato-Tainui for review and endorsement of the final CIA. While I was the principal author, the CIA was prepared with considerable input from NITOW and Waikato-Tainui and takes into account the principles, values and issues which are articulated in Tai Tumu, Tai Pari, Tai Ao and Te Rautaki Taamata o Turoa o Hauaa.
30. A Memorandum of Understanding (“MOU”) is currently being prepared which will formalise the ongoing partnership relationship between mana whenua, TPL and RPL.
31. I consider the engagement that has occurred has led to meaningful consideration of key environmental and cultural values which have been identified by mana whenua. The manner in which consultation has been undertaken is within the spirit of goodwill, partnership and understanding between mana whenua, TPL and RPL and in accordance with the engagement process in Tai Tumu, Tai Pari, Tai Ao.

## **CULTURAL VALUES AND EFFECTS**

32. The following section of my evidence provides some detail on key matters which are addressed in the CIA. I firstly summarise the cultural values of the PC20 area, then the potential cultural effects of the development that PC20 will facilitate, then the recommendations which are contained in the CIA which establish how the cultural effects should be addressed.

### **Cultural Values**

33. The area south of Hamilton was once rich in resources, making it a prized mahinga kai area. Numerous kaainga and paa were sited around the Waikato River, including Nukuhau Paa which was the most important and significant paa in the area. The area surrounding the Paa was extensively cultivated.
34. The narrowness of the Waikato River close to the Paa (now known as the Narrows) allowed the people of the Paa and the surrounding whenua easy access to the eastern

bank of the river. This thereby expanded their horticultural (maara kai or food gardens) and trading area and activities.

35. There were several canoe landings sites along the Waikato River, including Tamahere. These were generally considered to be sacred places particularly when the bodies of slain warriors that had been transported by canoe were landed at one of these landings.
36. The canoe landing site and river crossing at the Narrows were very busy in pre-European times. Hence items such as stone talismans, discarded stone tools and other Taonga may well be buried in the riverbank or riverbed and may be unearthed during any earthworks that might be undertaken near the riverbanks and even possibly further inland at the PC20 site.
37. Most of the sites in the area have now disappeared from the naked eye due to land use change and waterway conversions for developments. However, the PC20 area remains of historic, cultural and spiritual significance and importance to iwi.

## **Cultural Effects**

### Heritage

38. Archaeological assessments for PC20 have concluded that there is no evidence which indicates the presence of archaeological sites or features of heritage value within the site and that the likelihood of finding artefacts during construction works is low. However, mana whenua consider that a carefully managed approach is required during construction by adhering to cultural protocols due to the cultural significance of the wider receiving environment and proximity to Nukuhau Paa and other important sites along the Waikato River. Protocols would include appropriate karakia where required, cultural monitoring where needed and adopting accidental discovery protocols.

### Ecology

39. The health of ngaa taonga taiao (natural resources) in its entirety (land, water and air) is paramount.
40. The protection of pekapeka (long-tailed bats) is a critical issue for mana whenua. The Applicants have given further consideration to habitat protection and enhancement following lodgement of the plan change application, as explained in the evidence of Ms Cummings and Mr Inger. I am aware of the proposal to protect "Bat Habitat Areas" within the PC20 site and to compensate for the loss of lower value habitat through the creation



and protection of new habitat for pekapeka on the proposed compensation site which TPL has conditionally purchased next to the Waikato River. The most recent proposals for habitat protection and enhancement will be discussed with NITOW at the hui which is scheduled in early-March.

41. Provision of native trees for flight corridors for manu (birds) is also important to mana whenua. The Ecological Assessment which is included in Appendix 8 of the plan change application concludes that the site currently has low ecological values for birds and that positive effects and an overall net gain for bird species are expected to result from the proposal. Although the enhancement of habitat within the proposed compensation site alongside the Waikato River will be focused on creating habitat for the pekapeka, it would also provide habitat for manu to flourish.
42. Development also has the potential to adversely affect the health and well-being of the Waikato River. Although there are no natural waterways within the PC20 site that will be directly affected, potential impacts include earthworks, stormwater runoff, and waters infrastructure. Mana whenua support rainwater harvesting and a high standard of treatment of stormwater runoff (both during construction and from impervious surfaces) and wastewater. If a site-specific wastewater system is required for the Northern Precinct then mana whenua support the Applicant's proposal for treated wastewater to be disposed of to land and for the site specific system to be connected to the Southern Hamilton Plant if/when it is built in future.

#### Earthworks – Landscape

43. The Applicants' proposal to minimise earthworks, retain the hillock landform where the "hub" is proposed and align roads to enable views of surrounding maunga is supported by mana whenua.

#### Socio-Economics

44. Construction and operation of the Northern Precinct would result in economic benefits for the region. There may be opportunities for TPL/RPL to assist or partner with mana whenua.

#### **Recommendations**

45. Section 8 of the CIA outlines nine recommendations for avoiding, remedying and mitigating cultural effects. NITOW's and Waikato-Tainui's support for PC20 has been

confirmed conditional on the recommendations being agreed to and executed. The recommendations are summarised below.

#### Kaitiakitanga – Guardianship

46. A key recommendation relates to development of a MOU between TPL/RPL and mana whenua as a partner in the ongoing development of the Northern Precinct area. The MOU will enhance the positive relationship which has been established between TPL/RPL and mana whenua and will assist in reaffirming TPL/RPL's commitment to addressing other recommendations in the CIA.
47. Discussions regarding a MOU have progressed, and this matter will be discussed further at the hui with NITOW which is being held in early-March. I am comfortable that there is a commitment on behalf of the parties to formalising their relationship through an MOU and I expect this to occur in due course. Mr Morgan and Mr Yates confirm this in their evidence for TPL and RPL respectively.

#### Whakapapa – Heritage

48. Cultural protocols and accidental discovery protocols will need to be developed. Cultural protocols should include observing tikanga before works commence and incorporating cultural design interventions. Contractors involved in construction works should be given guidance on the cultural protocols. Details of cultural protocols and accidental discovery are usually addressed at resource consent stage and should be addressed prior to development commencing.

#### Sustainable Design – Water Use and Treatment

49. All aspects of the development, including buildings, should be designed and constructed to achieve sustainable outcomes which are consistent with best practice for water, stormwater and wastewater to protect mana whenua values associated with wetlands, streams and the Waikato River.
50. This could include use of raingardens, swales or other forms of stormwater treatment, maintaining the function of natural drainage systems and catchment hydrology, use of water sensitive or green technologies, treating wastewater to a high standard before discharging it to land and future proofing the wastewater network so that the Northern Precinct can be connected to the Southern Hamilton Wastewater Plant if/when it is built in the future.

### Indigenous Biodiversity

51. Local native vegetation should be used extensively in streets, public open space, swales, raingardens and to replace existing exotic vegetation where appropriate. Species should be chosen to have particular focus on mahinga kai (food gathering) as well as their potential to improve indigenous biodiversity.
52. I understand that some fast-growing exotic vegetation may also need to be included in the landscape design for the Bat Habitat Areas and proposed compensation site to provide habitat for pekapeka. This will be discussed with NITOW at the hui in early-March.

### Viewshafts

53. The development should protect and enhance viewshafts to key maunga and should include accessways and wayfinding devices that point to and provide tangible links to the Waikato River. The Structure Plan has been designed to achieve these outcomes.

### Mahi Toi/Creative Expression

54. There is a significant opportunity for the Northern Precinct development to include design elements that reflect cultural values and context, which may include puurakau (narrative and stories), whakairo (carving forms, pou, patterns, kaitiaki/tūpuna representations) and kōwhaiwhai (traditional patterns and motifs).
55. Working with mana whenua, I have recently been involved in providing cultural advice on the upgrade of the Hamilton Airport terminal for TPL's parent company (Waikato Regional Airport Ltd). The terminal upgrade incorporates extensive cultural elements, for example a waharoa and cultural entranceway, cultural whakairo or carvings within the building, Maaori patterns engraved into the glass, landscape and cultural paving designs. The terminal upgrade is a very good example of the types of outcomes that could be incorporated for the Northern Precinct.
56. The three key principles of cultural placemaking as applied to Hamilton Airport are whakapapa, manaakitanga and mauri. These represent cultural identity and connection to place, extension of respect and reciprocity for all and finally, mauri speaks to life force.

### Naming Strategy

57. Mana whenua should work in partnership with the developer on a naming strategy. This may relate to branding for the Northern Precinct area and development (or parts thereof),

including names for specific spaces, buildings, features and areas and an overall commitment to bilingual signage and informed interpretation and wayfinding.

## **RESPONSE TO THE SECTION 42A REPORT**

58. I have reviewed the section 42A Report and there are no matters that require comment.

## **CONCLUSION**

59. In conclusion:

- (a) The engagement which has been undertaken by TPL/RPL with mana whenua has been appropriate and consistent with best practice and is ongoing;
- (b) NITOW's and Waikato-Tainui's support for PC20 has been confirmed conditional on the recommendations in the CIA being agreed to and executed. Addressing the recommendations in the CIA will ensure that PC20 will be aligned with Te Ture Whaimana o te Awa o Waikato, Tai Tumu Tai Pari Tai Ao and Te Rautaki Taamata o Turoa o Hauaa.

**Norman Hill**  
Te Hira Consultants Ltd

28 February 2023