

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Private Plan Change 56 to the Matamata Piako District Plan by Lockerbie Estate Limited and Lockerbie Estate No.3 Limited to rezone approximately 78 hectares of land at 76 Taukoro Road, 182 Morrinsville-Tahuna Road and Lockerbie Street from a Rural Zone (with a Future Residential Policy Area Overlay) to a Residential and Medium Residential Zone with supporting Development Area Plan.

STATEMENT OF EVIDENCE OF NORMAN HILL

CULTURAL

4 July 2022

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) Cultural and environmental effects of interest to mana whenua;
 - (d) Recommendations and outcomes sought; and
 - (e) Position statement
6. My evidence will provide a focus on issues including:
 - (a) Stormwater discharges into the main watercourses, within the site, including the Maungahaumia Stream and the Piako River.

- (b) Importance of healthy uncontaminated water and the ability to avoid, remedy or mitigate adverse effects on surrounding waterbodies.
 - (c) Insufficient water capacity in the existing network to service the plan change area and the subsequent consenting of Matamata Piako District Council to a new ground water take.
 - (d) Concern about the accumulative impacts of the water take and water balance of the aquifer layers present in the local area with the maximum drawdown effect.
 - (e) The proposed Environmental Management Plan.
7. I was commissioned in August 2021 to undertake a Cultural Values Assessment (“CVA”) in support of the Lockerbie plan change by Lockerbie Estate Ltd and Lockerbie No.3 Limited (“Lockerbie”). Preparation of the CVA involved a review of information provided by Lockerbie and technical information lodged in support of the application, a review of sources of information regarding the Ngāti Hauā history and analysis of objectives and policies outlined in the Waikato Tainui and Ngāti Hauā and environmental management plans.
 8. To inform the CVA I visited the plan change site in September and December 2021.

EXECUTIVE SUMMARY

9. Lockerbie are applying for private Plan Change (PC56) which seeks to rezone 78ha located on the south-eastern corner of the Morrinsville-Tahuna Road and Taukoro Road intersection from Rural with a Future Urban Policy Area overlay to Residential and will apply two zones across the site. The zoning and associated rule framework is set out in detail in the evidence of Ms Drew and is not repeated here.
10. PC56 is an extension of the greater Lockerbie Estate residential subdivision, to the south of the plan change site, for which Ngāti Hauā Iwi Trust has had a long and enduring understanding.
11. As noted above, a CVA has been prepared on behalf of Ngāti Hauā in support of PC56 and was included as Appendix M of the application.
12. The CVA ensures the principles, significant values and issues of Ngāti Hauā are articulated, acknowledged and understood in response to the land subject to the PC56 application and its subsequent development. It ensures that any future resource consent applications apply a cultural, environmental and partnership approach to avoid, remedy, and mitigate issues and matters

important to Ngāti Hauā. The issues addressed include discharge into watercourses, health of water and ability to avoid, remedy and mitigate effects on waterbodies, water take and associated effects of urban development.

13. In summary, Ngāti Hauā Iwi Trust does not oppose the outcomes that PC56 seeks to achieve that will enable subdivision and residential development of the site.

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. The archaeological investigations undertaken in support the plan change (as contained in Appendix K of the application) have confirmed that the site contains a lack of archaeological material or features to indicate the presence of archaeological sites or features of heritage value.

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

19. 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).
20. 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 CONSULTATION

21. Ngāti Hauā Iwi maintains an unbroken link with the whenua, wai and environment within Morrinsville area in which the proposed residential development will extend. Ngāti Hauā Iwi Trust has a positive and enduring relationship with Lockerbie for many years and continues to work in good faith since establishment of their residential development some years ago. Concerns relating to the impact of urban growth in significant cultural landscapes within Morrinsville were set and reaffirmed from early engagement with this residential development and remains till now.

ENVIRONMENTAL MANAGEMENT PLAN

22. It is considered that PC56 application aligns to key principles of Te Rautaki Tāmata Ao Turoa o Ngāti Hauā and covers indigenous biodiversity-conservation remediation, enhancement and long-term environmental

sustainability social benefits derived from the cultural weight of the landscape, including a sense of place the retention of aesthetic, historic and traditional values.

WATERCOURSES AND STORMWATER

23. There are four main watercourses throughout the site. Watercourse S1 flows and discharges into the Morrinsville Stream, Waitakaruru Stream, which flows into the Piako River to the south of Morrinsville. Watercourse S2, S3 and S4 flows into the Maungahaumia Stream, which flows into the Piako River.
24. Ngāti Hauā emphasises the importance of healthy uncontaminated water throughout the Morrinsville rohe. The proximity of Lockerbie development to these significant waterways and the ability to avoid, remedy or mitigate adverse effects on the relationship of mana whenua with the receiving waterbodies is a significant issue.
25. Ngāti Hauā is satisfied with the management of earthworks and sedimentation, stormwater discharge effects as set out in the technical reporting supporting the plan change application. Ngāti Hauā also supports the stormwater strategy. More specifically, Ngāti Hauā Iwi Trust (“NHIT”) is supportive of the discharge from the plan change site via a piped network into wetland or storage devices. Wetland offers a sustainable system so treatment and provides for enhancement of indigenous habitat enhancement.

WATER TAKE

26. Preliminary modelling undertaken for the plan change identified that there is insufficient water capacity in the existing network to service the plan change area from existing Council infrastructure. Therefore, MPDC have proposed to consent a new ground water take and install a new Water Treatment Plant in the Lockerbie Stage 3 area. This Water Treatment Plant will be supplied by an existing bore located in Cobham Drive. The inclusion of the water treatment plant under the Lockerbie Stage 3 works to ensure that potable water and firefighting supply for the proposed development can be provided. Ngāti Hauā is concerned about the accumulative impacts of the watertake and water balance of the aquifer layers present in the local area with the maximum drawdown effect. This is a matter that has been brought to the attention of the Regional Council in their process of that application, and requires no further consideration as part of this plan change process.

HERITAGE

27. During historical discussions with kaumatua, it was noted that over generations, the traditional use of the whenua, and surrounding nature have changed. Many traditional pits may have long been ploughed and lost due to farming practises. However, the heritage and cultural values remain. There may be sub-surface archaeological evidence to include likelihood of culturally significant artefacts or finds in Morrinsville.
28. The absence of the identification and recognition of any archaeological evidence, wāhi taonga to hapū within the application provides comfort toward maintaining heritage values onsite. However, there is very little archaeological research that has been undertaken in the vicinity of Morrinsville. NHIT also consider the site is significant, given its potential to inform and educate present and future generations of Ngā Iwi heritage. Kaumatua raised the landscape provisions that may insufficiently address/acknowledge and the relationship of NHIT with Kaimai Ranges.

RECOMMENDATIONS

Kaitiakitanga

29. It is recommended to work with Ngāti Hauā and the Council's to understand the accumulative impacts of the water take on groundwater availability and aquifer recharge. There is a need to protect the cultural values of the receiving waterways, namely Morrinsville Stream and Piako River by contributing towards riparian enhancement which includes enhancing indigenous biodiversity throughout the area.
30. Seeds and plants for restoration projects, within the site, should be locality sourced with the ecological catchment of Morrinsville.
31. Lockerbie must ensure that the future resource consent applications provide an appropriate summary of the engagement undertaken with Ngāti Hauā as well as the issues (and potential remedies) identified in this CVA. In particular, Ngāti Hauā would like specific engagement on future resource consents for: stream works and the stormwater discharge permit (from the Regional Council).
32. The project must ensure that any new structures within the site are designed and built-in sympathy with the landscape.

Heritage

33. It is recommended that appropriate karakia or other cultural protocols to be implemented when appropriate.
34. That an accidental discovery protocol (ADP) be implemented, with appropriate identification of Ngāti Hauā representatives, as part of any consent granted/or work undertaken.
35. That any contractors involved in earthworks be given appropriate guidance on Ngā Iwi tikanga and protocols including an understanding of the ADP which may be delivered by a mana whenua representative.
36. That cultural monitors be involved at the project inception / construction phase of the project.
37. That further discussion and involvement of Ngāti Hauā representatives be undertaken in relation to the protection, re-vegetation and/or detailed design of any landscaping or opportunities.
38. Lockerbie work in-conjunction with Ngāti Hauā to reaffirm the naming strategy, including names for specific spaces, buildings, features and areas and an overall commitment to bilingual signage and informed interpretation and wayfinding.
39. That future development within the site includes design elements that reflect key cultural values and context and draw inspiration from Ngāti Hauā, pūrakau, art forms, taonga as well as involving iwi endorsed artists.
40. Ensure landscape views of the Kaimai Ranges are maintained.

Biodiversity

41. Where appropriate, that a landscape plan is developed in conjunction with NHIT to include valued food gathering species or those that support habitat for mahinga kai species for both reserves and roads/streets; and
42. Strengthen ecological corridors and native biodiversity using a wide range of native species that support a variety of insects and birds.

CONCLUSION

43. In conclusion, based on the alignment to the policies, objectives and methods of the Te Tāmata Ao Turoa o Ngāti Hauā Environmental Plan and in accordance with MOU and partnership values with Lockerbie =, Ngāti Hauā Iwi Trust does not oppose PC56 and rezoning of this area to enable subdivision and the residential development of the site thereof.

Norman Hill

4 July 2022