

SECTION 42A REPORT

Opening Statement

Hearing 20: Maaori Sites of Significance and Maaori Areas of Significance

Report prepared by: Sheryl Paekau

Date: 30 July 2020



Introduction

Rau Rangitira maa

Morena Koutou Commissioners

E te Iwi Tena Koutou

Kaumatua, Whanau, Colleagues and Submitters

Ngaa mihi nui ki a koutou katoa

1. My name is Sheryl Paekau
2. I am employed by Waikato District Council as a Policy Planner and Kaiwhakamaahere (Policy Advisor).
3. I am the writer of the original S42A report for Hearing 20: Maaori Sites of Significance (MSOS) and Maaori Areas of Significance (MAOS), and also of the Rebuttal Evidence in relation to our topic today.
4. I do not repeat the information contained in section 1.1 to 1.4 of that S42A Hearing Report for MSOS and MAOS and request that the Hearings Panel take this as read.
5. In assessing the submissions, further submissions and evidence I have relied on technical and cultural assessments by Dr Des Kahotea and these are appended to my report. He is present to support any korero for this topic if required.
6. Maaori Sites and Areas of Significance is a new topic for the Waikato District Plan process. The Operative Waikato Section of the Plan has 8 Maaori Items and The Franklin Section has 2 Maaori Items appended to the Plan under Historic Heritage:
7. In the Waikato Plan these are Turangawaewae House, Hanatoria (preserved for architectural features, Tuupuna Chief Memorial Kohatu's, Tamahere Maaori Gardens, Kernott Road Gardens, and Puke-i-aahus Paa.
8. In the Franklin Plan there is the Te Awamarahi island in the Waikato River and the Te Paina Paa at Mercer.
9. The approach of the MSOS and MAOS is to give affect to the Waikato Regional Policy Statement and the matters of national importance of the RMA section 6(e). A Maaori Site of Significance is a paa feature which sits on part of a certificate of title, whereas a Maaori Area of Significance covers the whole certificate of title and often includes paa and a number of related features.
10. Today in the Proposed Waikato District Plan, we have identified out of approximately 2000 Maaori archaeological sites, over 400 sites on the planning maps and in the MSOS and MAOS Schedules in Chapter 30.
11. These are made up of mostly Paa sites, but added sites of Urupaa, Maaori War sites and Memorial Kohatu Stones and were identified in collaboration with Waikato Tainui. The numbers are about 320 MSOS and 80 MAOS which include about 50 Waahi Tapuu sites which came back to Waikato-Tainui through Settlement legislation as part of the Vision and Strategy for the Waikato River.
12. These sites were requested by some landowners, manawhenua, kaitiaki, Waikato-Tainui, Heritage New Zealand and our Kaumatua Heritage Group. The most important sites being Paa and Urupaa because they contribute to Iwi and hapuu identity, ancestral relationships

and history of settlement in a locality. The MSOS Project was approached by engaging with Marae/hapu, Iwi Environmental Committees, Kaitiaki from different areas who had an interest in preserving Maaori heritage, through workshops and weekend hui. We also relied strongly on the Dataset from New Zealand Archaeological Association, and support from Waikato-Tainui and Heritage New Zealand.

13. My approach to the sites was to endeavour to collect information about each site to support significance for the schedule list of sites that I put forward for mapping to the Proposed District Plan.
14. The approach of mapping was property based with the help of NZAA's dataset and Google identification.
15. Identification and mapping of the sites was the first step, and then a process was applied to engage Maaori participation in the identification of heritage and cultural values around earthworks within these sites. The ideal outcome is to preserve what remains of these sites. I will come back to this matter later.
16. There were 34 primary submissions with 90 submission points and 13 further submissions with 78 further submission points received for the Maori Sites and Areas of Significance. Evidence from three submitters was received.
17. The submissions addressed three distinct matters:
 - a. support for the MSOS / MAOS,
 - b. amend or add new locations, and
 - c. support or amend the earthwork rule.
18. These have been addressed through my Section 42A Report and my Rebuttal Report.
19. I do not add any further comments about the submissions because there are several submitters present who wish to speak.
20. The remaining areas of contention I have is associated with:
 - a. The level of "Permitted" activity appropriate within a MSOS or MAOS.
 - b. HNZPT's issues of having a separate schedule for their Waahi Tapu listings and the their requirement for Council to undertake the need to "ground-truth" the sites.
21. While I believe my report has adequately addressed the latter point, I have further reflected on the issue of the appropriate level of earthworks permitted activity within a MSOS or MAOS. This is discussed in paragraphs 25, 26 of my rebuttal evidence where the definition of earthworks excludes gardening, cultivation, or disturbance of land for fencing and I initially recommended a permitted activity to enable these activities.
22. Upon reflection, I consider it is important to provide protection within the MSOS and MAOS and to endeavour to preserve what is left of the sites. I am concerned that earthworks associated with cultivation may destroy the few physical features that remain. While I understand Mr Crisps argument about being able to carry out normal farming practices, cultivation or minor works, my appeal is to seek cooperation in protecting what is left in these remaining areas. I have researched some Paa sites in the Tamahere area from NZAA archaeological records. The table below records the effects of normal farming activity. I note these activities were a "permitted activity" because there was no rule in the Operative District Plan over the years. Despite the physical damage, cultural values still remain.

Site and Result

SI4/56 – Damaged by ploughing and infilling of defensive ditches.

SI4/61 – Most visible features ploughed and planted in Maize.
SI4/70 – Little visible evidence remain, stock grazing and trampling.
SI4/84 – Almost completely destroyed by ploughing and infilling.
SI4/107 – Most of the site ploughed.
SI4/108 – has a house on top of a Paa site.
SI4/120 – Land levelled... destroyed Paa features.
SI5/19 – Most of the Paa destroyed by the construction of a house.
SI5/34 – Paa Site severely modified by the 4 th green.

23. These are MSOS examples that show evidence in Google images of still being visible and are intact. The MSOS is a small area in comparison to the larger land area on the title and I would hope that they continue to be given consideration from destructive works, hence my quandary about works that are considered normal and that are exempt from the earthwork definition to be permitted activity.





24. To address this concern, the Panel may wish to consider the following rule framework which would require earthworks associated with cultivation to obtain resource consent as a restricted discretionary activity:

Earthworks – Maaori Sites and Maaori Areas of Significance

PI	(a) Earthworks within a Maaori site or area of significance identified in Schedule 30.3 or 30.4 for the purposes of gardening, or disturbance of land for the installation of fence posts
RDI	<p>(a) Earthworks or disturbance of the land for cultivation within a Maaori site or area of significance identified in Schedule 30.3 or 30.4.</p> <p>(b) The Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Nature, design, extent and Location of earthworks in relation to the Maaori site or area of significance; (ii) Effects on heritage and cultural values. (iii) The necessity of the works and any alternatives considered

25. Due to the definitions in the National Policy Standards around earthworks, and the consequence of relaxing the intent of the earthworks rule, I must leave this decision to the Panel. however I feel strongly about this matter and I stand by my recommendations to provide for a process through the Proposed District Plan to preserve Maaori Sites and Areas Significance that have been identified.

No rei ra

Tena Koutou Katoa

I am happy to answer any questions from the Panel or you may wish to question Dr Kahotea about the contents of his supporting evidence.