

**BEFORE THE WAIKATO DISTRICT COUNCIL HEARING
COMMISSIONERS**

**PROPOSED WAIKATO DISTRICT
PLAN**

UNDER Resource Management Act 1991

IN THE MATTER Outstanding Natural Features and
Landscapes, Heritage and Cultural
Landscapes.

Submitter **WAIKATO - TAINUI**

**STATEMENT OF EVIDENCE OF ANTOINE NELSON COFFIN ON BEHALF OF
WAIKATO-TAINUI**

TE AWA O WAIKATO - HE PIKO HE TANIWHA

DATED 21 AUGUST 2020

CONTENTS

EXECUTIVE SUMMARY	2
INTRODUCTION	3
CONSULTATION WITH WAIKATO-TAINUI	6
THE VALUES OF TE AWA O WAIKATO	8
TAI TUMU TAI PARI TAI AO - WAIKATO-TAINUI IWI MANAGEMENT PLAN	15
THE LANDSCAPE ASSESSMENT	16
CULTURAL LANDSCAPES	20
TE AWA O WAIKATO AS A SITE / AREA OF SIGNIFICANCE TO MAAORI	22
SECTION 42A REPORT	25
SECTION 6	26
SECTION 7	26
SECTION 8	26
RECOMMENDATIONS	27
CONCLUSIONS	28

EXECUTIVE SUMMARY

1. This evidence has been prepared by Antoine Coffin a Maaori cultural heritage expert with 25 years' experience in Maaori resource management, cultural heritage planning, museology, community engagement and facilitation.
2. I worked closely with the five river iwi in the preparation of the Healthy Rivers Wairoa Plan Change that included research of the iwi values and perspectives regarding the Te Awa o Waikato and its tributaries. This work included a framework for identifying and assessing the values of rivers from a Maaori perspective. This framework when applied to Te Awa o Waikato gives weight to a cultural landscape of the highest significance.
3. I have been using a cultural heritage evaluation process for sites and areas of significance to Maaori for several years. Using this process, I am confident that Te Awa o Waikato and its margins can be scheduled as a Maaori Area of Significance in the district plan.
4. The key issues I have identified in relation to the proposed district plan and its recognition of Te Awa o Waikato in landscape terms are:
 - (a) The limited engagement on the district plan framework, policy response and rules. I consider that the schedule 1 consultation with tangata whenua through iwi authorities was limited and consider it to be at the lower scale of compliance.
 - (b) The landscape assessment methodologies employed in New Zealand and in the landscape study prepared by Boffa Miskell subsume, relegate or give limited weight to the cultural values and perspectives of Waikato-Tainui related to Te Awa o Waikato. My view is that these methodologies with their genesis in the WESI criteria do not give due recognition or provide for the special relationship Waikato-Tainui has with Te Awa o Waikato intended both in the Treaty Settlement framework and the Part II of the RMA.
 - (c) The landscape assessment should incorporate a Matauranga Maaori framework that is more aligned with Waikato-Tainui values. The weight afforded such values should be stronger.
 - (d) There are alternative planning solutions to recognise the very high cultural value of Te Awa o Waikato that have not been considered including:

- (i) incorporating a new framework within the landscape assessment;
 - (ii) introducing a new 'cultural landscape' category to sit alongside outstanding natural features, outstanding natural landscapes and amenity landscapes;
 - (iii) scheduling hundreds of discrete Maaori sites of significance;
 - (iv) scheduling Te Awa o Waikato as a Maaori Area of Significance.
5. I have recommended two of these options as part of my evidence – ii introducing a cultural landscape category and iv scheduling Te Awa o Waikato as a Maaori Area of Significance.

INTRODUCTION

6. My full name is Antoine Nelson Coffin.
7. I have professional and academic qualifications. These include a Certificate of Land Resource Studies from Bay of Plenty Polytechnic 1995, Te Pookaitahi Reo Rumaki from Te Waananga o Awanuiaarangi 2002, Certificate in Riparian Zone Management 2002, Certificate in Strategic Leadership Victoria University of Wellington 2003, and a Good Decision-Making Certificate with Chair Endorsement (valid to 2024). I have twenty five years' experience in Maaori resource management, cultural heritage planning, museology, community engagement and facilitation.
8. I am currently a director and consultant of my private company Te Onewa Consultants Limited. I have co-owned and operated this company since 2013.
9. I have experience in a diverse range of consenting, public policy, cultural advisory, and infrastructure projects. My work experience includes:
- (a) Being a member of NPS Freshwater Independent Panel 2019-2020.
 - (b) Conducting a review of all regional plans and regional policy statements in NZ relating to their response to Maaori cultural matters (in freshwater) for the Ministry for the Environment.
 - (c) Maatauranga Maaori Technical Leader for Waikato Healthy Rivers Waiora Plan Change 1 for the 5 river Iwi, Waikato Regional Council and 26 stakeholders, incorporating iwi values, interests, and aspirations into the plan change.

- (d) A technical reviewer of draft and proposed district plans for Central Regional Office of Heritage New Zealand.
 - (e) Reviews of Tauranga City, Porirua, Far North, Franklin, Rodney, Auckland Unitary, Nelson, Central Hawkes Bay, Napier, and New Plymouth heritage sections and schedules of proposed district plans.
 - (f) Commissioner Gisborne Water Plan reporting on mauri, tangata whenua values and co-management, Commissioner and Chair Plan Change 9, Water Quantity, Bay of Plenty Regional Council and Commissioner Rangitaiki River Change to Regional Policy Statement that incorporates the Treaty Settlement framework for Iwi Management Plan.
 - (g) Cultural advisor to the Waikeria Prison designation including the discussions with Iwi regarding solutions for wastewater, stormwater, and water supply.
 - (h) Technical advisor to the Rotorua Wastewater Project Cultural Assessment Committee involving 13 iwi representatives and 2 cultural impact assessments.
 - (i) Co-chair of the Indigenous section of the International Association of Impact Assessment.
10. In 2013, I was awarded the NZ Planning Institute's 'Nancy Northcroft Planning Practice Award', the Institute's supreme award for excellence in planning practice for project managing and writing the Ngaati Rangitahi Environmental Management Plan. I have also had a significant role in managing the content of the Raukawa Iwi Management Plan 2015 and peer reviewing the Waikato Iwi Management Plan 2013.
11. My involvement in this matter to date includes:
- (a) Briefing on the issues related to cultural landscapes and outstanding natural features and landscapes from a Waikato-Tainui perspective.
 - (b) Meeting with the Boffa Miskell authors of the Landscape Assessment.
 - (c) I do not have any relationship with Waikato District Council, or any interest in the outcome of the proceeding.

12. I provide this evidence in support of the further submissions made by Waikato-Tainui relating to the Outstanding Natural Features and Landscapes, Tangata Whenua sections of the proposed Waikato District Plan.
13. In preparing this statement of evidence I have considered the following documents:
 - (a) Proposed sections of the Waikato District Plan; namely Outstanding Natural Landscapes and Features, Tangata Whenua, Schedules 30.3 Maaori Sites of significance and Schedule 30.4 Maaori Areas of significance.
 - (b) The Boffa Miskell Waikato District Landscape Study 2016.
 - (c) Tai Tumu Tai Pari Tai Ao. Waikato Iwi Environmental Management Plan 2013.
 - (d) Waikato District Council Section 42A Report.

Code of Conduct for Expert Witnesses

14. I am familiar with the guidelines for an expert witness contained in the Environment Court's Practice Note 2014. The evidence I am about to give is within my area of expertise and represents my best knowledge about this matter. Where I rely on other evidence for specific matters, I state these. 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

15. In my evidence I will discuss the following:
 - (a) The consultation undertaken with Waikato-Tainui.
 - (b) The Maaori values of Te Awa o Waikato-Tainui.
 - (c) Respond to relevant cultural matters in the Waikato District Council's Section 42A Report.
 - (d) Taking into account the Waikato Iwi Environmental Management Plan.
 - (e) The Landscape Assessment.
 - (f) Cultural landscapes.
 - (g) Te Awa o Waikato as a Maaori Site/Area of Significance.

- (h) Part 2 matters.
- (i) Recommended framework.

CONSULTATION WITH WAIKATO-TAINUI

16. Te Whakakitenga o Waikato (**Te Whakakitenga**) is the mandated post settlement governance entity or tribal authority that represents the tribal members of the 68 affiliated marae. Two elected representatives from each of the 68 marae, totalling 136 elected representatives, make up Te Whakakitenga o Waikato – the tribal parliament formerly known as Te Kauhanganui. Representatives are elected every three years.
17. The Waikato District Council notified the proposed Waikato District Plan (**PWDP**) in July 2018.
18. I understand that prior to notification of the PWDP, multiple informal consultation meetings were held around the district and public feedback was invited on all topics.¹ I am unclear whether any of these meetings included Te Whakakitenga and discussed cultural landscapes and Te Awa o Waikato.
19. I am unaware if the consultation with Te Whakakitenga regarding outstanding landscapes and cultural heritage included discussions to inform the policy framework, undertaking a cultural landscape assessment, forwarding of the draft policies for comment and the support and interpretation of a copy of the proposed Waikato District Plan section on outstanding landscapes.
20. The Section 42A report sets out the relevant excerpts from the Waikato Regional Policy Statement (**WRPS**) including objectives, policies and implementation methods which must be given effect to in the PWDP. The WRPS outstanding natural features and landscape implementation method 12.1.3 states that Waikato Regional Council will work with tangata whenua to confirm the values of significance to tangata whenua of the outstanding natural features and landscape included in section 12A (table 12-1) and ensure these are recognised in regional and district plans.²

The outstanding natural features and landscapes included in section 12A (Table 12-1) were identified without the benefit of consultation with tangata whenua, relying on information readily available at the time of assessment.

¹ Section 42A Report, paragraph 547, page 169.

² Section 42A report, page 27.

Tangata whenua values are one of the values to be assessed in accordance with the approach summarised in section 12B (Table 12-2) and it is intended that the council will work with tangata whenua to check the values identified for completeness and correctness.

21. This suggests that the identification of and evaluation of natural features and landscapes in the Waikato District started from ground zero with regard to tangata whenua participation and recognition of their values.
22. In my view this consultation is at the lower end of compliance with the Schedule 1 requirements to consult with tangata whenua through iwi authorities.
23. If consultation only relied on the input of the Iwi Reference Group within the landscape assessment framework, there was limited engagement on the district plan framework, policy response and rules.
24. The scope of engagement and input undertaken in the landscape assessment is set out at pages 2, 9, 13, and 14 of the Landscape Study 2018. In summary the engagement included:
 - (a) Collaboration and inclusion of evaluation of the Waikato District Council's Iwi Reference Group.
 - (b) Provision of cultural narratives using Table 10.2 Maaori Cultural and Traditions Assessment criteria.
 - (c) Three references from Tai Tumu Tai Pari Tai Ao. Waikato-Tainui Iwi Environmental Management Plan.
25. The Landscape Study sets out at page 2 a comprehensive and distinguished list of iwi and hapuu representatives, many of whom have worked in the area of environmental management for a long time. It appears that these individuals provided narratives related to their mana whenua and rohe and did not necessarily give a holistic Waikato River perspective. This is, in my view to be expected, where people will speak with passion and authority to those values and interests that their respective iwi and hapuu maintain.
26. Whilst the list of representatives is comprehensive, it is a small sample of the 68 marae affiliated to Waikato-Tainui, and perhaps lacks a space for an iwi holistic view and scope to promote an overall view of Te Awa o Waikato.

27. I consider the proposed plan change consultation with Te Whakakitenga to be at the lower end of the compliance scale. Whilst I acknowledge the input of a range of hapuu representatives within the framework of the landscape assessment, it was limited to input within a framework that could not give the level of recognition to Te Awa o Waikato I believe it requires in the proposed district plan.

THE VALUES OF TE AWA O WAIKATO

28. Te Awa o Waikato is the ancestor of Waikato people and the water is the lifeblood of the ancestor. The Waikato determines the identity and wellbeing of Waikato.
29. I have attempted here to provide a cohesive framework for articulating the values of Te Awa o Waikato from a Maaori perspective. These are based on research I undertook in 2015 which included waananga with kaumaatua (distinguished elders) and tohunga (Maatauranga Maaori Experts) from Waikato-Tainui, Ngaati Tuuwharetoa, Te Arawa, Ngaati Maniapoto and Raukawa.³
30. The framework includes ten values that articulate or speak to the significance of Te Awa o Waikato. These are:
- (a) *Mauri*: as an overarching characteristic, being the life force of objects and the environment.
 - (b) *Te Ao Maaori, te kaawai runga me te kaawai raro*: The Maaori world view where there are realms of the gods and realms of the people.
 - (c) *Taha wairua*: the spiritual side.
 - (d) *Rangatiratanga*: the mana of rangatira and their communities to make decisions regarding their resources.
 - (e) *Tohu*: flora and fauna that provided indicators of river health and signs of safety.
 - (f) *Nгаа taniwha me ngaa tipua*: metaphysical beings that are manifested in natural phenomenon - the river spirits.
 - (g) *Waahi tapu*: places of spiritual power and cultural significance.

³ Antoine Coffin. Matauranga Maori Knowledge Networks - Report on factors affecting food gathering, swimming and special characteristics on the Waikato and Waipa Rivers and their tributaries from a Māori perspective. July 2015. Pages 26-27.

- (h) *Wai*: the use of water for rituals and ceremonies.
 - (i) *Nгаа koorero me ngaa mahi*: knowledge and experiences.
 - (j) *Waiata me ngaa karakia*: the modes that transmit knowledge and tikanga for the river.
31. These values influence Waikato-Tainui sense of place, identity and connection physically, mentally and spiritually with the Awa. Notwithstanding the above special values of Te Awa o Waikato, each river has a name and identity and within each river, they are localities of specific and unique importance to their iwi. The sound, the smell, the look, the feel, and the taste of kai at each part of the river may be different. These differences, and certainly the knowledge of their differences, support deep and meaningful connections between Waikato-Tainui members and Te Awa o Waikato.
 32. Many of the values are encapsulated in tribal proverbs and waiata, as well the names of places within and along the length of Te Awa o Waikato.
 33. The maimai aroha, or lament, by Kiingi Taawhiao, the second Maaori King, part of which is encapsulated in Te Ture Whaimana o Waikato, speaks to many of these values.⁴ The words Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri (The river of life, each curve more beautiful than the last) give inspiration to actions that may restore and protect the health and wellbeing of the Waikato River.
 34. The well-known pepeha, *ko Waikato te awa, he piko he taniwha, he piko he taniwha*. (The Waikato is the river, on every bend is a taniwha – a metaphorical term for a chief or supernatural being) emphasises that each bend of a river is a source of its own power that is bound to the whole; that is people and river.
 35. The less known but well used whakataukii, *Waikato horo pounamu*, refers literally to the Waikato River being the consumer of greenstone. As is often the case in Maaori tradition, fewer words have more meanings. Two such analogies can be taken from this whakataukii. The first is symbolic, the Waikato River can consume the greatest of treasures, pounamu (greenstone); and deeper, Waikato River and its people have devoured many chiefs who challenge their authority.

⁴ Vision and Strategy for the Waikato River, page 7

36. There are many more whakataukii, pepeha, pakiwaitara, puuraakau, poropiti, ritenga, moteatea and waiata that convey the lessons, values, and guidance of ancestors to those of the present and the future. Some of the Waikato-Tainui witnesses will share these with the hearings panel.
37. The values that Waikato-Tainui attribute to Te Awa o Waikato are relevant and to be given the highest regard, particularly in light of Te Ture Whaimana. All of the objectives (a) to (m) in Te Ture Whaimana are relevant to this matter, but for the sake of brevity, I focus on three of them.
- (a) Objective (e) – The integrated, holistic, and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
 - (b) Objective (i) – The protection and enhancement of significant sites, fisheries, flora, and fauna.
 - (c) Objective (m) – The application to the above of both maatauranga Maaori and latest available scientific methods.
38. In my evidence I promote a holistic and aggregate approach to considering the outstanding nature of the cultural values associated with Te Awa o Waikato. This approach considers cultural, and historic resources and applies the Maaori knowledge frameworks of Waikato-Tainui such as the values articulated at paragraph [30] of my evidence.
39. The corresponding Te Ture Whaimana strategies to achieve the objectives are also relevant, in particular strategies 6, 7 and 9.
- (a) Strategy 6. Recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they so decide) to promote their cultural, spiritual and historic relationship with the Waikato River.
 - (b) Strategy 7. Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.
 - (c) Strategy 9. Encourage and foster a 'whole of river' approach to the restoration and protection of the Waikato River, including the development, recognition, and

promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.

40. I note here that Waikato-Tainui have been at the forefront of improving the 'water quality' of the Waikato River. I mention this because I would not want there to be a perception that Waikato-Tainui considers the cultural landscape, and in this instance Te Awa o Waikato as a taonga and ancestral icon, to be considered secondary or subsidiary to improving water quality.
41. I agree with the Section 42A Report authors where they consider Te Ture Whaimana to be highly relevant to this hearing topic on landscapes, as the Waikato River is a taonga to iwi and an integral component of their cultural landscape.
42. Mr Donald provides further and more detailed analysis of the planning provisions that give effect to Te Ture Whaimana.
43. I turn my attention now to the values I set out in paragraph [30] of my evidence.

The Mauri of the Waikato River

44. Mauri is a Maaori term used to describe the life principle, life force, vital essence, special nature, a material symbol of a life principle, and a source of emotions - the essential quality and vitality of a being or entity. The term is also used for a physical object, individual ecosystem or social group in which this essence is located.⁵
45. He Pataka Kupu, the Māori Language Commission's definitive dictionary of the Māori language identifies mauri as 'te mana atua kei roto i te tangata ki te tiaki i a ia, he tapu'. That is, the supernatural force of atua in a person that protects a person and is sacred.
46. In contemporary usage, mauri or the spark of life or the active component that indicates the person is alive,⁶ is also expressed in environmental terms sometimes as an overarching characteristic, being the life force of objects and the environment.⁷
47. Mauri is not defined in the Resource Management Act 1991 (**RMA**), however, has become a common and popular part of Maaori resource management vernacular. The

⁵ John C Moorfield, Te Aka Online Māori Dictionary. 2003-2017

⁶ Hirini Moko Mead. Tikanga Maori. 2016. p395

⁷ Antoine Coffin. Mātauranga Māori Knowledge Networks. 2015. p26

National Policy Statement for Freshwater Management 2014 (**NPSFM**) mentions mauri in the bilingual title of the compulsory values (Te Hauora o te Wai / the health and mauri of water and Te Hauora o te Tangata / the health and mauri of the people) and additional values (Te Hauora o te Taiao / the health and mauri of the environment) and in reference to gathering food; Mahinga kai – Kei te ora te mauri (the mauri of the place is intact).⁸ There is an apparent lack of interpretation of mauri in the NPSFM, and there does not appear to be any corresponding attributes in the appendices. It is understood that the understanding of these values is to be articulated locally rather than nationally.

48. In my experience the mauri of the environment or a place is best described in two ways;
- (a) Resources, features and people have a mauri or spiritual life-force. The spiritual element is derived entirely from within Māori religious thought. While the origins of mauri are connected to the creation of the universe and the spiritual authority of the gods;
 - (b) A specific indicator, the presence of which gives comfort to the mauri being present and preserved, such as a taonga species, a stone or other object.
49. According to Tamati Kruger, a well-respected iwi leader, educationist and cultural expert, mauri is the nature of things, the soul of things, the concentration of everything that is dear to us, the wisdom we have collected during our period on the planet. That is the echo that keeps us upright and moving forward. Mauri is the potency and allure of life. Mauri is largely internal, meaning that it is something that we sense rather than what we can touch. Although mauri can occupy and live in something that is but a token of it, it does not capture its power. It is just there to comfort us so we have something physical to look at. But otherwise mauri is sensual, it is more of an emotional intelligence and presence than something like whakairo that stands at the paa. Mauri is atmospheric, omnipotent; there is nothing greater than it. E ki ana ngaa karakia o te Maaori, he tapu te mauri, he mauri te tapu.⁹
50. What Mr Kruger's description of mauri does, is suggests that mauri is in the eye of the beholder. It is felt and not necessarily measured. This of course poses a challenge for planners and decision-makers who are wanting to determine what the mauri is, what its values are, and whether it has been maintained, enhanced, or diminished.

⁸ National Policy Statement for Freshwater Management 2014. Ministry for the Environment. pp20-21

⁹ Tamati Kruger. Keynote Presentation. Onaio - Mauri o te Wai Conference. 21 July 2016

51. The mauri in Waikato River terms is complicated. Each bend and straight of the river can have its mauri, and the river as an entity has mauri. They are inextricably linked.
52. The mauri will be described at each section of the river in ways that are meaningful to the people of that place. As an overall consideration, mauri transcends the local and is expressed in the culmination of many attributes.

Te Ao Māori, te kawai runga me te kawai raro

53. This value draws on the Maaori world view of whakapapa, that distinguishes the presence of environmental deities and the lore that encapsulates them and the relationships between the various realms. In its simplest and rudimentary form the pantheon of gods Tangaroa, Taane, Ruuaaumoko, Tuumatauenga, Haumietiketike, Rongomataane and Taawhirimaatea represent the natural and physical environment, including people.

Taha wairua

54. This value understands the non-physical consciousness of people and fauna. It is interconnected to but distinct from mauri and tapu. It encapsulates the spiritual side.
55. One aspect of wairua is the ara wairua, spiritual pathway. The notion of ara wairua is to invoke the pathway as a means of guiding the spirit to the kainga waewae of their past and to cultural icons that form the pathway to Hawaiki.¹⁰

Rangatiratanga

56. This involves the mana of rangatira and their communities to make decisions regarding their resources. This value recognises the views and aspirations of the people to achieve mana motuhake (self-determination) and mana whakahaere (authority/exercise rights and responsibilities of Waikato-Tainui).

Tohu

57. This value encompasses the broad range of flora and fauna that provide indicators of river health and signs of safety. These can be generic to the species of flora and fauna or local to a habitat. Sometimes these may include natural and physical elements such

¹⁰ Tahu Poitiki. Statement of Evidence in the Rena Case. 2016, paragraph 12.17

as ripo (whirlpools), whai rawa (abundance), flocks of birds. Tohu can also be extraordinary or unusual occurrences that may portend a change or future calamity.

Ngaa taniwha me ngaa tipua

58. This value reflects the local and broad metaphysical beings that are manifested in natural phenomenon - the river spirits. Te Awa o Waikato has a great number of taniwha and tipua along its length. These traditions often relate to past events, historical figures, and phenomenon. They can give meaning to a place and express the identity of its people.¹¹

Waahi tapu

59. This value acknowledges that there are places of spiritual power and cultural significance where restrictions and specific activities occur. The essence of waahi tapu is that they are places of power, dangerous places for inappropriate uses, which require controlled and careful access. Unless other ancestral guardians are at hand, this is very difficult to ensure. They are also places of ritual communications with ancestors, and this is not public business.

Wai

60. This value recognises the importance of sources of water to conduct special rituals and ceremonies. This can be discrete or generic. Local people will have their favourite and family spots. More generally Te Awa o Waikato provides a medium for reconnecting whanau with its waters.
61. Waikato-Tainui have been at the forefront of articulating and communicating the importance of water and Te Awa o Waikato to a wide audience. The development of the states of Wai by Sir Robert Mahuta and other leaders from around Aotearoa has been woven into the perspectives of many iwi around the country. One of its latest iterations is expressed in the Waikato Iwi Management Plan, at page 149, 'Aahua o te wai' where classes of water based on their mauri and tapu, can be allocated, used, protected and enhanced.

Ngaa koorero me ngaa mahi

¹¹ Anne Salmond. Evidence to the Planning Tribunal 1993, Ngati Kahu V Tauranga District Council. page 23

62. This value emphasises the raw knowledge and the experiences tangata whenua have within their environment. It includes the stories that are inscribed in carvings on marae, written in books and papers, and the intergenerational experiences of interacting with and along Te Awa o Waikato.
63. There are well known whakataukii that give importance to koorero. *Ko te kai a te rangatira, he koorero, ko te tohu o te rangatira, te manaaki, ko te mahi a te rangatira, hei whakatira i te iwi.* The sustenance of chiefs is speech, the sign of a chief is hospitality and the work of a chief is to the betterment of the people.
64. In 1975 Sir Robert Mahuta provided this whakatauki.¹²

Noo taatou te awa. Noo te awa tatou. E kore e taea te wehe te iwi o Waikato me te awa. He taonga tuku iho naa ngaa tuupuna. E whakapono maatou o taa maatou, he tiaki I taua taonga moo nga uri whakatupu.

From us is the river. From the river is us all. Waikato will not be separated from the river. It is a treasure passed down to us from our ancestors. We believe that we will care for this treasure for future generations.

Waiata me ngaa karakia

65. This value acknowledges the modes of passing observations, knowledge and understandings from one generation to the next.
66. Within the waiata (chants and songs) and karakia (incantations and prayers) are living record and means of communicating with people and the environment.
67. The specific waiata and karakia related to Te Awa o Waikato are numerous and speak to the heart of Waikato-Tainui consciousness and identity.

TAI TUMU TAI PARI TAI AO - WAIKATO-TAINUI IWI MANAGEMENT PLAN

68. The Waikato-Tainui Iwi Management Plan emphasises the connection between people, their ancestral lineage and role of Te Awa o Waikato in tribal identity and integrity. “Ko Tainui te waka, Ko Taupiri te maunga, Ko Waikato te awa, Ko Pootatau te tangata,

¹² Waikato River Deed of Settlement. Page 5

Waikato taniwha rau, he piko he taniwha, he piko taniwha”, Tribal Identity and integrity is one of the four strategic objectives of the iwi management plan.

69. The relevant and important provisions of the plan that give weight to the Waikato-Tainui submission include:
- (a) 15.3.2 - Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.
 - (b) 15.3.2.1 (a) - Landscapes and view shafts that are regionally, culturally and/or spiritually significant shall be identified, protected from the adverse effects of development, and where possible, enhanced.
 - (c) 15.3.2.1 (g) - Statutory instruments and methods promote the protection and restoration of landscapes and landscape values of importance to Waikato-Tainui.
 - (d) 26.3.2.1 (a) - When assessing infrastructure needs or making decisions on designations or consents regarding infrastructure, the adverse effects should be managed so as to achieve the objectives in this Plan. In particular adverse effects should be avoided on (among a number of things):
 - (i) Waahi tapu and other sites of significance to Waikato-Tainui;
 - (ii) culturally and/or spiritually significant landscapes and view shafts.
70. The responsibility to take into account the iwi management plan should not be passive or cursory, rather active and deliberate; to weigh it up with other relevant factors and to give it the weight that is appropriate in the circumstances. I am of the view that these provisions above are relevant and should be accounted for in the District Plan.
71. In my view the recognition of the ‘cultural landscape’ is an important matter to Waikato-Tainui and the iwi management plan articulates this.

THE LANDSCAPE ASSESSMENT

72. Waikato District Council relies on the Landscape Assessment prepared by Boffa Miskell.¹³ The purpose of the landscape assessment was to evaluate the characteristics

¹³ Boffa Miskell. Waikato District Landscape Study, June 2018

and classifications of various landscapes within the district in line with current methods and case law.

73. The methodology employed is a standard approach to landscape assessment in New Zealand. Eight-character types have been defined. Six of these are identified in the Waikato District. These unit types are regionally based and focus on definable physical factors. The unit approach is described as a pragmatic response to the scale and complexity of extensive and highly diverse areas of land.¹⁴
74. Seven criteria or factors have been generally accepted New Zealand landscape assessment, mostly derived from the 1999 Wakatipu Environment Society Incorporated (**WESI**) case.¹⁵ The Landscape Assessment sets these out at page 12 of the report.
- (a) The natural science factors, the geological, topographical, ecological, and dynamic components of the landscape;
 - (b) Its aesthetic values including memorability and naturalness;
 - (c) Its expressiveness (legibility); how obviously the landscape demonstrates the formative processes leading to it;
 - (d) Transient values: occasional presence of wildlife; or its values at certain times of the day or of the year;
 - (e) Whether the values are shared or recognised;
 - (f) Its value to tangata whenua, and;
 - (g) Its historical associations.
75. These criteria are applied by using 3 attribute categories: Biophysical, Sensory and Associative. Its value to tangata whenua is, according to the landscape assessment report, 'applied' as criteria for the evaluation of the cultural associative, biophysical, and sensory attributes. These are recorded in the landscape assessment as cultural narratives. By doing so the landscape assessment is attempting to apply a two worlds approach. The three criteria are (in summary):

¹⁴ Landscape Study of the Waikato District, November 2017, page 11.

¹⁵ C180/1999 Wakatipu Environment Society and other V Queenstown Lakes District Council

- (a) Biophysical features, patterns and processes may be natural and/or cultural in origin and range from the geology and landform that shape a landscape to the physical artefacts such as roads that mark human settlement and livelihood.
 - (b) Sensory qualities are landscape phenomena as directly perceived by humans, such as the view of a scenic landscape, or the distinctive smell and sound of the foreshore.
 - (c) Associative meanings are spiritual, cultural or social associations with particular landscape elements, features or areas such as paa, kaainga, tupuna awa, mahinga kai and waahi tapu, or other sites of historic events or heritage. Associative activities are patterns of social activity that occur in particular parts of a landscape or example popular walking routes or fishing spots.¹⁶
76. Maaori Cultural Values, Heritage Values and Shared and Recognised Values are all grouped together under Associative and rely (as I understand) on narratives and responses from hapuu representatives in submissions. The landscape assessment evaluates the cultural associations or cultural values across the units as very strong, high or very high. These are most often described as part of the Associative Values. The Waikato River and wetlands are stated to be of 'high importance to the community and iwi with the ongoing management of the River governed by the Waikato River Authority'.
77. I believe the landscape assessment should consider the sensory qualities and associative meanings more fully and holistically to reflect the Waikato Iwi view. As currently written, they do not reflect a two-world perspective. I also believe there is some argument to provide a macro or district wide perspective of the cultural significance of the Waikato River and its margins, and that the significance is 'very high'.
78. At face value, of the seven (WESI) criteria or factors one is dedicated to the values of tangata whenua (f), and possibly two will have some narrative (e and g).
79. Using the current landscape assessment methodology, the highest levels of cultural values and significance attributed to the Waikato River at a feature, catchment or whole of river (within the district) would not, in my view attain an outstanding level. This is because the discipline evaluates biophysical features, patterns, and processes; sensory qualities; and spiritual, cultural and social associations, in a 1/3, 1/3, 1/3 approach and

¹⁶ Landscape Study of the Waikato District, November 2017, page 12.

relies on western methodologies that subsume Maaori cultural values. Using this mathematical equation, Maaori values, at best, will account for 1/3 of a 1/3.

80. The Landscape Assessment has included a set of criteria for determining the value attributed to the broader and distinctive features and landscapes. These criteria draw from the WRPS Table 10.2 Maaori Culture & Traditions Assessment Criteria. They include Mauri, waahi tapu, koorero-o-mua, rawa tuuturu, hiahia tuuturu, whakaaronui o te waa.¹⁷
81. These criteria are almost identical to those in the Bay of Plenty Regional Policy Statement, Appendix F Set 4, used to identify sites of significance to Maaori.¹⁸ They are very broad and include criteria that could have a diverse range of interpretations and applications.
82. I have used these criteria in determining the values present in sites and areas of significance to Maaori for more than 120 sites and areas in the Tauranga District. More recently, I have developed and am using a different set of significance values to determine the level of significance. That is, I use a two-tiered approach. The first determines if these values are present, and the second tier assesses the significance of the values in Maaori cultural heritage terms. The level of significance for individual and aggregate values are considered in those assessments to be more articulate and relevant to cultural heritage management.
83. I note that there does not appear to be a scale limitation for these Maaori Culture & Traditions Assessment Criteria. This is an important point consideration for the potential spatial extent of significant Maaori values and cultural landscapes.
84. At page 11 of the Landscape Assessment, there is an acknowledgement that landscape assessment and cultural landscape assessment are different and that Maaori cultural values are only considered in a limited extent as part of the assessment.

Cultural Landscapes are an emerging area within the New Zealand resource management policy and planning. A cultural landscape, as defined by the World Heritage Committee of UNESCO, is the “cultural properties (of a landscape that) represent the combined works of nature and man”. In New Zealand, the concept has been largely promoted by iwi and hapuu in an effort

¹⁷ Landscape Study of the Waikato District, November 2017, page 13.

¹⁸ Bay of Plenty Regional Policy Statement. Appendix F, Set 4 Māori culture and traditions, pages 292-293. 2014

to recognise and provide for the relationship Maaori have with ancestral lands, waters and coastal areas and capture areas and values that are not otherwise captured by conventional landscape, ecological or heritage assessments or policy. Cultural landscapes are not, however, confined to those associated with one cultural association.

While cultural values are considered as part of this assessment, within the assessment it is acknowledged that some areas of cultural landscape value may not individually meet the threshold for Outstanding Natural Features or Landscapes.¹⁹

85. I agree with this statement and would add that Maaori have imbued the landscape with their mana and given the natural features and landscapes human and supernatural characteristics. This relationship between Waikato-Tainui and Te Awa o Waikato in these terms is symbiotic and enduring.
86. Two final but important matters of methodology are the scale and thresholds. The Landscape Assessment has used a two-tiered approach, that is, a distinction between regional and district scale. With regards to thresholds, a five-point scale from Very High to Very Low was used. Under the methodology, outstanding landscapes or features contained in the report exhibited at least a Very High or High attribute scoring. While some landscapes/features have high amenity values, Outstanding Natural Features and Landscapes (**ONF/L**) were only identified in areas that also contained other high landscape values.
87. My view is that the scales disadvantage Maaori who do not see the landscape in regional and district terms. These do not necessarily reflect Maaori traditions, socio-economic and political delineations, or perspectives of segmentation.

CULTURAL LANDSCAPES

88. My view is that the current approach to landscape assessment in New Zealand is a reductionist approach that does not comfortably provide for or recognise Maaori world views. This is acknowledged in the landscape study that Maaori understanding of, and attitudes to, landscape can be significantly different from those of non-Maaori.²⁰ I believe there is an argument for an evolution of the landscape assessment criteria to better reflect Maaori world view in relation to cultural landscapes. This would ultimately mean

¹⁹ Landscape Study of the Waikato District, November 2017, page 11.

²⁰ Landscape Study of the Waikato District, November 2017, page 13

that further assessment is required, or a new assessment should be undertaken. The outcome of that work may be that there are ONF/Ls and amenity landscapes that more fully reflect holistic Maaori cultural values and/or there is a new cultural landscape category.

- 89. The following table shows the various landscapes that are being evaluated and scheduled in plans. Using this table, you can see that ‘cultural landscapes’ such as the Waikato River and its margins could exhibit qualities within any, and all of these sections. A range of scenarios can fit across and within these relevant Part II matters.
- 90. ‘Cultural landscapes’ has been subsumed as part of ONF/Ls and amenity landscapes and has not at present been meaningfully explored in the expression of RMA sections 6(e) and 6(f). These sections, in my mind, are a comfortable home for Maaori cultural landscapes, but that does mean they need to be isolated or disparate from ONF/Ls. There could be a cultural landscape category alongside, and which have equal weighting with, ONF, ONL and amenity landscapes. These could equally be included in the Maaori Areas of Significance.

Table 1: Section 6 and 7 references to landscape, area, site, place and resource.

Sec.	Landscape, area, site, places, resource		
6(a)	Coastal natural character areas		
6(b)	Outstanding natural features	Outstanding natural landscapes	
6(c)	Significant natural areas	Significant habitats	
6(e)	Ancestral lands, water	Sites, waahi tapu and other taonga	
6(f)	Historic sites, structures, places, and areas	Archaeological sites, sites of significance to Maaori including waahi tapu	Surroundings associated with natural and physical resources

7(c)	Amenity landscapes
------	--------------------

TE AWA O WAIKATO AS A SITE / AREA OF SIGNIFICANCE TO MAAORI

91. The PWDP provides a rudimentary policy framework for Maaori sites and areas of significance.²¹ The objective and policies are:

2.15 Objective Waikatotanga (way of life)

Cultural practices and beliefs of Tangata Whenua are respected.

2.15.1 Policy- Ngaa taonga tuku iho (Maaori Sites and Areas of Significance)

1. Ensure subdivision, use and development does not compromise the cultural and spiritual significance of areas, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora and fauna.
2. Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites.

92. The PWDP contains a schedule of Maaori sites of significance (30.3) and a schedule of Maaori Areas of significance (30.4). The items contained in the schedule of Maaori sites of significance are all recorded archaeological sites, and all belong to one typology - 'paa'. It is unclear why only recorded paa are included and not any other typologies such as cultivation areas, borrow pits, storage pits, midden, rock art, or other Maori typologies; urupaa, kaainga, mahinga kai, waahi ki te hii ika, puna, wai, awa, maunga, parekura, tuuaahu, waahi tohi, and a range of waahi tapu (sacred places). The preamble in the schedule states that the sites in the schedule have been recorded by archaeologists for their archaeological features and values and they were not recorded by Maaori, and acknowledges they have significance to Maaori.

93. The schedule of Maaori Areas of Significance (30.4) includes parcels of land that have been identified in Part 8 of the Schedule to the 2009 Deed of Settlement between the

²¹ Proposed Waikato District Plan. Chapter 2, 2.15 and 2.15.1, page 9

Crown and Waikato-Tainui as being culturally significant to Waikato-Tainui Iwi and parcels of land that have been identified as areas that have significant value to Maaori.

94. Part 8 of the Schedule in the 2009 Deed of Settlement does not include any areas that are located on private land, that is, it only contains parcels on Crown land. This is in part derived from the Treaty of Waitangi Act 1975 which specifically precludes any recommendation of the Waitangi Tribunal to make recommendations to Maaori ownership of any private land and the acquisition by the Crown of any private land.²² The other consideration is the Crown policy in Treaty settlements to not allow private land to be available for use in settlements.²³
95. Treaty settlements by their nature are an agreement between the Crown and iwi. They avoid third party involvement and encumbrances except in exceptional and unique local circumstances. This means that the reliance on Part 8 of the Deed of Settlement to fill schedule 30.3 is limiting and does not consider any sites or areas on private land that are subject to, and can be considered by, the processes of the RMA.
96. Te Awa o Waikato and many other sites and areas of significance are not listed in the schedules 30.3 and 30.4 of the PWDP. I expect that there are hundreds of discrete sites within and along the banks of Te Awa o Waikato that could be scheduled. I do express this view in contrast to many reports that state that many significant and historic sites have been lost.²⁴ These reports most often rely on historic heritage registers and lists that already exclude Maaori sites and areas of significance. Many iwi and hapuu representatives are also wary of sharing the knowledge of the location and special characteristics of these sites, in light of historic activities that have damaged or destroyed sites.
97. I do note one report by Dr Alexy Simmons in November 2016²⁵ identifying a large number of horticultural sites along the length of Te Awa o Waikato and recommended a comprehensive archaeological alert layer. I also note that this work did not include any field work, a method that would likely identify many more sites.
98. I believe that there is potential in scheduling the Waikato River and its margins in the Waikato District Plan - schedule 30.3 or 30.4 Maaori site/area of significance. This

²² Treaty of Waitangi Act 1975 section 4A(a) and (b)

²³ The Red Book. Pages 63, 148,

²⁴ WRISS, pages 41-42

²⁵ Dr Alexy Simmons. Waikato District Plan Review Archaeological Heritage Project Final Close Out Report. November 2016

approach would in my opinion be consistent and appropriately recognise and provide for section 6(e) and 6(f) matters of the RMA.

99. The evaluation of the Waikato River and its margins in the Waikato District Plan as a Maaori Site of Significance, I think, is a straightforward exercise. I am unaware of the exercise that was conducted for the current list other than what I have identified above. I currently use a two-tier evaluation that involves, in the first instance, an assessment to confirm that the site or area has any of the criteria that have been articulated in the relevant planning document such as the RPS or District Plan. The Bay of Plenty and Waikato Region respectively use very similar, if not identical, criteria.²⁶ In my experience very few sites do not meet one or more of these criteria. The second part of the evaluation is an assessment of the significance of the site or area. This is usually a narrative exercise using an adaption of the Heritage New Zealand criteria for assessing cultural, traditional, spiritual, and historic significance.
100. Based on my experiences in other districts and regions, the Waikato River would have local, district, regional and national significance as a site of significance to Maaori. The river exhibits high levels of cultural, traditional, spiritual, and historic significance.²⁷
101. There does not appear to be any limitations to scheduling the Waikato River and its margins in this schedule, however, I am unclear if there are any transfers of powers that relate to the surface of the Waikato River.
102. An alternative approach to scheduling the Waikato River and its margins as a Maaori Area of Significance is to consider scheduling hundreds of sites within the river and its margins. I have advised Waikato-Tainui against this approach as it could promote perverse resource management decisions and inconsistencies at a local level by not providing for the spatial relationship between sites and the holistic and integrated traditions of Waikato-Tainui with the Waikato River. For example, there would likely be quite different planning approaches for areas that are within and outside of a series of discrete sites of significance, even though physically, and by proximity to the River, they share similar characteristics.

²⁶ Bay of Plenty Regional Policy Statement, Appendix F, Set 4, Māori Culture and Traditions and Waikato Regional Council's Regional Policy Statement Table 10.2 Maaori Culture & Traditions Assessment Criteria.

²⁷ Heritage New Zealand Significance Assessment Guidelines. Prepared by Rebecca O'Brien with Joanna Barnes-Wylie. March 2019, pages 21, 24, 32 and 38.

103. Again, this would be a reductionist approach. However, if this approach was supported, collectively the sites and areas would give weight to the significance of the Waikato River and its margins as a whole.
104. The provisions that relate to Maaori sites and areas of significance appear to provide broad recognition of their values and protection. The types of activities that Waikato-Tainui may wish to see Waikato District Council having control over are more likely to be achieved through a heritage management approach rather than a landscape approach. For example, large macro-scale landscapes can absorb a number of activities that might otherwise have significant adverse effects on Maaori values locally.
105. One of the practical challenges of scheduling the Waikato River and its margins as a site, area or cultural landscape will be determining the spatial extent. This is a complicated exercise and will have implications for notification of, and consultation with, affected landowners and river users. I could envisage a pragmatic exercise being undertaken that includes a landward area that reflects a meaningful attempt at reflecting topography, known sites of significance and land-use.

SECTION 42A REPORT

106. At paragraph 485 the Section 42A Report states that, 'While the WDLS relied on input from the Iwi Reference Group, no part of their cultural narrative explicitly refers to how iwi wish Waikato River and its margins to be identified on the planning maps, despite these being highly significant to iwi in a cultural sense.'
107. I reiterate that Iwi Reference members have focussed on those parts of the ancestral landscape in respect of which they have mana whenua and intimate knowledge. Te Whakakitenga wants the Waikato River and its margins in the planning maps. This can be achieved as a detailed technical exercise that involves assessment on the ground, or a pragmatic approach that seeks to apply an overlay that reflects the aspiration in a meaningful way. Mr Donald has provided a pragmatic approach that I think would be appropriate in the circumstances.
108. At paragraphs 472, 476, 484, 498 and 508 of the section 42A report identifies, discusses and dismisses the request to include the whole of the Waikato River and margins as an ONF/L. Whilst small and discrete features and portions of the landscape have received detailed analysis, the Waikato River as a whole is given cursory attention.

109. In my view, the Section 42A Report relies heavily and almost exclusively on the narratives included within the landscape study. Whilst I am unclear whether those participants were aware of the importance of their input and the level to which they would be relied on, the Section 42A Report also cites technical process matters to discount tangata whenua views such as the 'the landscape approach is Euro-centric'.²⁸

SECTION 6

110. Section 6 of the Act lists the matters of national importance that decision-makers shall 'recognise and provide for' when considering plan changes.
111. The relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Sec. 6e) and the protection of historic heritage from inappropriate subdivision, use, and development (Sec. 6f) are two matters within my area of expertise.
112. My view is that Te Awa o Waikato and its margins sits at the intersection and the overlap between their ancestral lands, water, sites waahi tapu, taonga and historic heritage.

SECTION 7

113. Section 7 of the Act lists the matters that consent authorities shall 'have particular regard to' when considering resource consent applications.
114. The proposal will not have regard to Kaitiakitanga (section 7a) in that it does not provide a planning framework in which Waikato-Tainui can actively promote their kaitiaki responsibilities to maintain their relationship with Te Awa o Waikato. The iwi will not be able to participate in decision-making processes that allocate space and permit activities to occur within the cultural landscape that may have detrimental cultural effects.

SECTION 8

115. Section 8 of the Act requires decision-makers to take the principles of the Treaty of Waitangi into account when considering the proposal. While not defined by legislation, the principles referred to by Section 8 are generally understood to include: partnership; active protection; rangatiratanga; mutual benefit.

²⁸ Section 42A report, paragraph 121, page 38

116. I have considered the proposed provisions against my understanding of these principles. Having done so, I am not satisfied that the following have been given due regard:
- (a) Partnership – High level and working relationship, opportunities for projects and programmes.
 - (b) Active protection – The PWDP does not actively protect the ‘taonga’ and ‘ancestral icon’ and ‘waahi tapu’ that is Te Awa o Waikato in ways that are meaningful to Waikato-Tainui maatauranga Maori, mana and cultural preferences. Protection and preservation of the intrinsic worth and cultural values of Waikato-Tainui, access to and along Te Awa o Waikato, protection of habitats, archaeological sites, historic values and soils are a foundation of the Treaty settlements for Te Awa o Waikato.
 - (c) Rangatiratanga – Working with the right people and different levels. It is acknowledged that members of the Iwi Reference Group provided narratives of their respective areas of interest however, Waikato-Tainui engagement regarding cultural landscapes and recognising Te Awa o Waikato is at the low end of the scale, expectations and compliance.
 - (d) Mutual benefit – identifying matters of mutual benefit. Te Awa o Waikato is a issue of concern to Waikato-Tainui. They see benefit in working with the Waikato District Council to recognise and provide for the cultural landscape values of Te Awa o Waikato to the fullest extent within the law.

RECOMMENDATIONS

117. I believe there is some work to be done to identify a planning solution for the Waikato District Plan that meets the objectives sought by Waikato-Tainui, that is consistent with the RMA, Waikato River Treaty Settlement framework and is practicable.
118. I have identified two solutions to recognising Te Awa o Waikato in the proposed District Plan. These are:
- (a) A new ‘cultural landscape’ category, of equal weighting, is added to the ONF/L categories that already include Outstanding Natural Landscapes, Outstanding Natural Features, and Amenity Landscapes. This would reflect the ‘very high’ cultural values of Waikato-Tainui.

- (b) The Waikato River and margins is added to the schedule of 'Maaori Areas of Significance'.

CONCLUSIONS

119. I conclude that the proposed district plan as it relates to Te Awa o Waikato does not recognise and provide for the cultural values of Waikato-Tainui as intended in the Treaty Settlement frameworks and Part II of the RMA.
120. The landscape assessment methodology employed for Te Awa o Waikato subsume, relegate, and give limited weight to the Waikato-Tainui cultural values and significance of Te Awa o Waikato.
121. There are two planning solutions that could be employed to adequately meet these concerns, scheduling Te Awa o Waikato as a Maaori Area of Significance and/or introducing a new category of 'cultural landscapes' to the district plan.

Dated this 21st day of August 2020



Antoine Coffin