

UNDER the Resource
Management Act 1991

AND

IN THE MATTER of a hearing by Independent
Commissioners on behalf of Waikato District Council

of the

Waikato -Tainui Submission to the Proposed
Waikato District Plan

Hearing 25 Zone extents

STATEMENT OF EVIDENCE

PROVIDED BY

Gavin Rhys Donald

ON BEHALF OF

WAIKATO – TAINUI

AND ENDORSED BY SUBMITTER TURANGAWAEWAE MARAE TRUST BOARD

1.0 Introduction

1.1 My name is Gavin Rhys Donald and I hold the position of Managing Director at GMD Consultants Limited. I have over 15 years' experience in the field of resource management and environmental planning. This experience has been gained in both council and consultancy settings, in both New Zealand and the United Kingdom.

1.2 Having represented Waikato-Tainui on different issues for nearly 10 years, I have significant experience with Waikato River legislation and in particular the Vision and Strategy for the Waikato River. This experience has been gained through assisting regional and district councils address the Vision and Strategy for the Waikato River through policy development and the review of resource consent applications.

1.3 I hold a Bachelor of Planning degree from the University of Auckland. I am also a full member of the New Zealand Planning Institute.

2.0 Expert Witness Code of Conduct

2.1 I can confirm I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2006 (and including the amendment). I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise.

3. SCOPE OF EVIDENCE

3.1 This evidence is presented on behalf of Waikato-Tainui.

3.2 This evidence is provided to address the zoning of Hopuhopu, land returned through Waitangi Treaty Settlement under Te Wherowhero lands provisions. The Waikato-Tainui submission (submission 286) to the Proposed Waikato District Plan is endorsed by submitter Turangawaewae Marae Trust Board. Turangawaewae Marae Trust Board choose to be heard with Waikato-Tainui for this hearing.

3.3 The process to which Waikato-Tainui have arrived at this point, in relation to this plan review process, has been a collaborative one. Effort has been made to include mana whenua in the discussion where possible.

3.4 The evidence of Ms Henderson, Principal Consultant at GMD Consultants, who has developed the zone framework, will address the submission points in detail.

3.5 **My evidence brief covers:**

- What Waikato-Tainui seek from the provision of evidence and the previous submission in relation to land commonly known as Hopuhopu; and
- Overarching context of Hopuhopu and the basis for the specific Hopuhopu Zone request.

3.7 **My evidence brief does not cover:**

- Assessment of the proposed policy framework or an explanation of site infrastructure provision. This evidence will be provided in Mrs Susan Henderson's planning evidence.

4.0 WAIKATO-TAINUI AREAS OF FOCUS

- 4.1 The Waikato-Tainui Submission to the Proposed Waikato District Plan was more all-encompassing and detailed than the tribe had imagined. It became obvious at an early stage of drafting the submission that there were significant gaps, oversights and general confusion as to what was being proposed in the Waikato District Plan.
- 4.2 Waikato – Tainui, as a responsible Joint Management Agreement Partner, have been available to Waikato District Council to provide assistance and guidance on issues relating to iwi throughout the process. This offer remains and the hearings panel will see at topic hearings that Waikato – Tainui are not only identifying problems or issues but are seeking to provide a way forward through mutually beneficial solutions.
- 4.3 Whilst the submission was broad in nature, the rationale behind changes sought are focused on key aspects of the Proposed Waikato District Plan. These being the concerns around unplanned development and the associated effects on receiving environments, the treatment of Maaori freehold land, the lack of recognition protection of the Waikato River – Mana o te Awa and the lack of recognition of iwi as kaitiaki and Manawhakahaere.

5.0 AN OVERVIEW OF THE LAND AT HOPUHOPU AND POTATAU TE WHEROWERO TITLE

- 5.1 The land at 333 Old Taupiri Road (Hopuhopu) was returned to Waikato-Tainui through the treaty settlement process. As discussed in submission point 286.1, the site land is held in Te Wherowhero title, created as part of the Waikato Raupatu Claims Settlement Act 1995. Te Wherowhero title land is held by Custodian Trustees for the benefit of all Waikato. The former Hopuhopu military base, now the site of Waikato- Tainui College for Research and Development and other activities, is in Te Wherowhero title. Or more simply put, 'PTWW-titled whenua constitutes the tribal estate of Waikato as whenua papatupu, for the benefit of all Waikato. This land is unable to be sold or leased without the approval of Kiingi Tuheitia and two other custodial trustees. Te Wherowhero title was created under the Waikato Raupatu Claims Settlement Act 1995; to activate the tribal catch-cry – *I riro whenua atu me hoki whenua mai* - As land was taken so land should be returned.'
- 5.2 In addition to this site, the only other parcel of land held in this form is The Base, on Te Rapa Road. This unique title to Waikato-Tainui and their settlement should highlight the significance of this land to the people of Waikato-Tainui. In addition to the rarity of this land title, the governance structure that requires custodian sign off for sale or mortgagee purposes highlights the intent to retain and develop for the good of Waikato-Tainui people.
- 5.4 A further reflection of the significance of the land to Waikato-Tainui at the time of settlement and in particular Hopuhopu, is the name provided for the title, Te Wherowhero. Pōtatau Te Wherowhero was the first Maori King.
- 5.5 Te Wherowhero land is ultimately in place to prevent future alienation. This fact and the above referenced background should give the hearing panel confidence, that the intent for this whenua is for it's retention and enhancement for future generations.
- 5.6 The significant resource that Waikato-Tainui has committed to the zoning of Hopuhopu, primarily seeks to reinstate use rights available in the previous operative plan with a range of amendments to better align with the planned and intended use of the land. These matters are set out in detail in the s32AA report and in Mrs Henderson's evidence. As Mrs Henderson concludes in her

evidence, what Waikato-Tainui seeks is not greater or broader in terms of uses that was previously available. I note that the available floor area for different uses almost matches what was previously available.

6.0 RESPONSE TO THE 42A ZONE FRAMEWORK REPORT

- 6.1 Waikato-Tainui has worked with council staff throughout the development of this zone, primarily to provide confidence that the re zoning under this plan review process was to restore the previous flexibility enjoyed under the previous plan but also to ensure the direction for the site was consistent with the overall structure of the district plan.
- 6.2 Mrs Susan Henderson has worked extensively with consulting engineers to confirm that there is appropriate infrastructure servicing available to accommodate development of the site. I trust that this extensive amount of information provision will provide confidence to the hearing panel that the site can be adequately serviced into the future.
- 6.3 The evidence of Mrs Henderson also provides detailed background and information as to how the planning provisions were developed for the Hopuhopu Zone. This discussion will also provide comparisons as to what is able to be undertaken on the site under the Operative Waikato District Plan to what is provided for in the proposed Hopuhopu Zone and associated precincts.
- 6.4 I would also like to make a brief comment as to the content of the framework report. Whilst the purpose of providing guidance to staff and submitters alike is understood, some of the content to some degree is unhelpful. Specifically Lens 2 and how it fits into the assessment framework.
- 6.5 In creating lists and providing commentary for assessment, Waikato-Tainui would anticipate that the most weighted document, ie Te Ture Whaimana would be front and foremost. Additionally, supporting information and commentary would be commensurate with that, unfortunately this is not the case.
- 6.6 I am of the opinion that if this report seeks to guide staff and submitters as to their statutory responsibilities, it needs to accurately reflect those documents that are of the most significance. Waikato-Tainui remain available to mentor and tutor staff at Waikato District Council to improve use and understanding of Te Ture Whaimana should they wish.

8.0 SUMMARY

- 8.1 I am of the opinion that the work that has been undertaken for the Hopuhopu Zone should be viewed positively. The primary intent for the outset, as raised in the Waikato -Tainui submission remains today, to restore what was previously available to Waikato-Tainui under the Operative Waikato District Plan. This is augmented updates which better align with the planned and intended used of the site.
- 8.2 The process has allowed Waikato-Tainui the opportunity to focus on what the future of the site is and what can be achieved. The ability to undertake this process in conjunction with an assessment of the infrastructure on site and various other technical reports, in addition, the visual representations by the way of mapping provide a clear guide as to the scale of development that is possible.
- 8.3 The importance of land held in Te Wherowhero land title and the aspirations that Waikato-Tainui have for the site, are entirely consistent with what has been previously identified as appropriate for the site. Given that only two sites were returned under this title, should

highlight the careful consideration that Waikato-Tainui undertake when considering any activity in this location.

- 8.4 The ability to realise the potential at Hopuhopu will not only benefit the people of Waikato-Tainui but the broader community.