

**IN THE MATTER** of the Resource Management Act 1991 ("**the Act**")

**AND**

**IN THE MATTER** of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of the **PROPOSED WAIKATO DISTRICT PLAN**

**STATEMENT OF REBUTTAL EVIDENCE OF KARL WHARE TIPETI FLAVELL –  
HEARING 25 (REZONING) - POKENO**

Ko te Atua too taatou piringa, ka puta, ka ora.

E mihi ana ki too taatou Kiingi Tuuheitia Pootatau Te Wherowhero Te Tuawhiti kei toona ahutewa tapu, rire, rire, hau, Pai maarire.

Ki ngoo taatou tini mate kei ngoo taatou marae maha, haere, haere, whakangaro atu raa.

Taatou te hunga ora, teena koutou, teena koutou, teena koutou katoa

**1. INTRODUCTION**

1.1 My name is Karl Whare Tipeti Flavell. I am the current Manager Te Taiao (Environment and Heritage) for Ngaati Te Ata.

1.2 I hold a Bachelor of Environmental and Resource Planning Degree from Massey University. I am experienced and have practiced in the field of Maori (Iwi) Environmental Planning for 27 years. I was taught the tikanga (practices), environmental lore and kaitiakitanga by my elders.

1.3 Ngaati Te Ata lodged a submission on the Proposed Waikato District Plan which states:

*"Pokeno: Ngati Te Ata does not support areas of inclusion where land is steep and undevelopable without major earthworks.*

*Ngati Te Ata does not support the inclusion of land that can have impact on the Whangamarino wetland RAMSAR site, or any other significant ecological area. Neither is the inclusion of Pa supported within proposed future urban or Industrial zones."*

1.4 Ngaati Te Ata also lodged a further submission in opposition to the submission by Havelock Village Limited seeking to rezone land at 5 Yashili Drive, 88 Bluff Road, 242 and 278 Bluff Road, Pokeno to enable residential development.

1.5 The purpose of this statement of rebuttal evidence is to expand on the reasons for that submission and to respond to the evidence submitted by Havelock Village limited in relation to its proposal to develop 600 residential lots on Transmission Hill, south of Pokeno, a prominent point in the North Waikato landscape. Specifically, this statement addresses:

- (a) An overview of who Ngaati Te Ata are and its relationship to the site (Section 2);
- (b) Ngaati Te Ata's position on the Havelock Village proposal (Section 3);
- (c) My comments on the evidence of Karl Ye on behalf of Havelock Village Limited (Section 4);
- (d) My comments on the evidence of Mark Tollemache on behalf of Havelock Village Limited (Section 5); and
- (e) A conclusion (Section 6).

## 2. **NGAATI TE ATA**

2.1 Ngaati Te Ata are one of the Northern Waikato iwi. Within the wider landscape of Taamaki Makaurau (Auckland) lay the settlements of the Te Waiohua people (the original inhabitants). Members of the Tainui waka settled around the isthmus and began to intermarry with the ancestors of Te Waiohua. It was this intermarriage and the development of other bonds between the people that settlement established.

2.2 Ngaati Te Ata descend from both Waiohua (Taamaki Makaurau) and Waikato (Tainui). As the descendants (current generation) we are kaitiaki and we have inherent responsibilities to ensure that we can protect and preserve our taonga for future generations.

### Whakapapa/Genealogy

Te Huakaiwaka = Rauwhakiwhaki

(Origin of Te Waiohua)

Huatau

Mahuta

Uerata

**Te Ata i Rehia = Tapaue**

(Origin of Ngaati Te Ata) (Waikato Tainui)

### **Our relationship to Pookino (Pokeno)**

- 2.3 The Havelock site sits within the broader ancestral cultural landscape of significance to Ngaati Te Ata. This wider context is required to better understand the cultural values associated with the physical and natural resources that comprise and surround the site. Cultural landscapes are the sum of the physical resources and geography, archaeological features, wāhi tapu, place names, histories, places and sites that are interconnected and imbue a spatially defined area with context and meaning for a particular cultural group or groups. Cultural landscapes are what give meaning to and allow interpretation of otherwise spatially discrete sites and resources.
- 2.4 For Ngaati Te Ata, the entire site is a cultural landscape, embedded with identity, meaning and significance. The character and integrity of the whole is made up of its constituent parts and comprises a mosaic of cultural sites, places and customary resource areas. These include Pā and surrounds which comprise of traditional mahinga kai (gardening) areas and battle sites pre-European times. The cultural significance of Major Wiremu Wheoro's Signal Stations and Paa where we believe is Transmission Hill and forms part of an extended Paa ridgeline settlement. and the surrounding environs is magnified by virtue of our whakapapa connection to this place. This connection through whakapapa transcends both the physical and meta-physical realms.
- 2.5 The wider landscape of the Havelock Village site encompasses customary resource areas such as the Te Awa o Waikato (Waikato River), it's many tributaries and repo (wetlands). Socio-cultural interactions with this resource over time have resulted in a paataka of maatauranga (body of knowledge) and tikanga (cultural protocols and practices).

### **3. HAVELOCK VILLAGE PROPOSAL**

- 3.1 Ngaati Te Ata opposes the proposal by Havelock Village Ltd.
- 3.2 The reasons for Ngaati Te Ata's opposition to the proposal are as follows:
- (a) The proposal will have an adverse impact upon cultural integrity, values and our traditional and spiritual relationship to the Pokeno cultural landscape footprint, the Paa maunga, the Waikato River and its many tributaries, and the receiving catchment.

- (b) The proposal will visually and physically compromise the integrity of maunga and river view shafts to surrounding Paa, landscapes and natural features including landforms, ridgelines, trees, bush, wetlands, waterways, and any other natural outstanding features.
- (c) It was a trade and communication hub of its time being the convergence points of Pokino, Mangatangi, Mt Wiremu (William) cultural landscape and Te Awa o Waikato, the Whangamarino, Raungawari and Awa iti Tutaenui. The Havelock Village site area contains remnants of a stone tool processing area so that indicates that this area was from mai raa ano meaning pre-European settlement. Within its proximity is known to have burials and urupa recorded by the settler farmers. This was where the line was drawn in the sand by Tainui and subsequently this intrusion started the NZ Land wars. The the Ara Paatu - the military road - was established in this vicinity. Major Wiremu Wheoro and Potatau were whanau and both were to take a stance to either side of the line - one for the colonial British and the other for the whenua and the mana of the iwi<sup>1</sup>.
- (d) The existing Pokeno Village is situated in a natural bowl as an urban village in a rural setting. To propose a new residential precinct on significant ridgelines will be visually inappropriate, with a significant impact on a wide audience and is contrary to conventional urban design principles.
- (e) The Pokeno Structure Plan limited development to RL 100. The majority of the development proposed by Havelock Village Ltd will be above that height. Together with the nature, scale and intensity of the proposed development, it will create a visual blight on the landscape.
- (f) The development effectively provides for an "island site" and is disconnected from the existing services and amenities provided by Pokeno's Town Centre. The development would result in a car dependent precinct with poor urban design and planning outcomes.
- (g) The proposal will create reverse sensitivity issues by virtue of the proximity to the Light Industrial and Industrial 2 zones in Pokeno, specifically the Yashilli and Synlait plants adjoining the TaTa land.

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<sup>1</sup> Edith Tuhimata correspondence (response to TVL Road access consent) May 3<sup>rd</sup> 2021

- (h) There are significant concerns regarding the development and provision of infrastructure on land characterised by steepness, instability and flooding.
- (i) The cost of constructing appropriate infrastructure calls into question the viability of such a project on this location.
- (j) Access to the site is of significant concern and is highly questionable. Even if access can be provided in principle, the ability to manage adverse traffic effects is doubtful, creating obvious adverse effects on the surrounding communities, particularly the existing and incoming residents at Pokeno.
- (k) Finally, we consider the proposed development is entirely out of place at this location and ought to be developed on an alternative non-rural site.

#### 4. **EVIDENCE OF KARL YE ON BEHALF OF HAVELOCK VILLAGE LTD**

##### 4.1 The statement of evidence prepared by Karl Ye states:

*"HVL has initiated discussions with local iwi groups to discuss its Havelock residential proposal. More recently, a Project Steering Group independently facilitated by Mr Steven (Tipene) Wilson has been established to formalise this ongoing relationship with a focus on integrated engagement across both the TaTa Valley and Havelock developments. The purpose of the Project Steering Group is to assist both HVL and TVL to understand how iwi values, principles, traditions, customs and aspirations may be taken into account in its developments moving forward.*

*While the initial focus of this Project Steering Group has been in relation in the TaTa Valley proposal and its current consent applications, the formation of this group has enabled us to establish an active dialogue with all interested iwi groups. HVL's intention is to use this forum to facilitate ongoing discussion on the Havelock development as it progresses.*

##### 4.2 Ngaati Te Ata has participated in this forum. On Sept 9<sup>th</sup> 2020 Ngaati Te Ata sent an email to this forum (that includes HVL personnel and mana whenua representatives) outlining our current support for the TaTa Valley Tourism proposal on provision that the conditions of the agreed TVL and collective manawhenua TOR is adhered to.

##### 4.3 The email made clear that we firmly oppose the Havelock Village Ltd proposal for the reasons set out in this statement of evidence.

5. **EVIDENCE OF MARK TOLLEMACHE ON BEHALF OF HAVELOCK VILLAGE LIMITED**

5.1 The statement of evidence prepared by Mark Tollemache states:

*Pokeno sits within the tribal boundary of Waikato Tainui, and as such Waikato-Tainui has Mana Whakahaere (authority) over its lands, resources, including the Waikato River. The goal of Waikato-Tainui is to ensure that the needs of present and future generations are provided for in a manner that goes beyond sustainability towards an approach of environmental enhancement. Of particular importance to the proposed plan change is the Tribal Strategy, the Vision and Strategy for the Waikato River, customary activities, natural heritage and biosecurity, heritage and natural hazards.*

*HVL has undertaken an archaeological assessment of the Site, and a draft Cultural Management Plan is being prepared by Edith Tuhimata that will apply to future resource consents. It is considered that any future development works can be carried out with the provision of appropriate accidental discovery protocols in place, and as outlined earlier in the evidence undertaken in such a way to avoid areas of potential burials within the escarpment SNA. Works associated with development of the Site will be managed through the resource consent process.*

5.2 Regarding this statement;

- (a) Although we whakapapa to Waikato Tainui, Ngaati Te Ata exercises its own mana whakahaere (authority) over its lands, resources including the Waikato River. Therefore, Ngaati Te Ata's interest must also be considered.
- (b) It is my understanding that the cultural management plan being prepared by Edith Tuhimata is for the TaTa Valley component only. Notably, a cultural landscape map is currently being prepared for the Havelock Village Ltd component.

6. **CONCLUSION**

6.1 In conclusion, Ngaati Te Ata opposes the Havelock Village Ltd proposal. The amendments to the proposal made since the submissions were lodged have not altered Ngaati Te Ata's position.

6.2 Ngaati Te Ata considers that the proposal:

- (a) Will not assist the Council to carry out its functions to achieve the purpose of the RMA (s72);
- (b) Is inconsistent with Part 2 of the RMA (s74(1)(b)) in particular:

- (i) The requirement in section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other Taonga);
  - (ii) The requirement in section 6(f) for the protection of historic heritage from inappropriate subdivision, use, and development;
  - (iii) The requirement in section 7(a) to have particular regard to the exercise of kaitiakitanga;
  - (iv) The requirement in section 8 to take into account the principles of Te Tiriti o Waitangi: section 8;
- c) Is not the most appropriate way to achieve the purpose of the RMA in terms of section 32 (s74(1)(d));
- d) Does not take into account the Ngāti Te Ata Tribal Policy Statement (section 74(2A));
- e) Does not give effect to the National Policy Statement for Freshwater Management 2020, which among other matters provides for the recognition of Te Mana o Te Wai (section 75(3)(a)).

6.3 The wellbeing of Ngaati Te Ata descendants is intrinsically linked to a number of sites and locations in the locational context of the Havelock Village Ltd application area. The further piecemeal desecration and destruction of these sites and places not only impacts upon the physical, natural and cultural landscape but also the wellbeing (mauri) of the Ngaati Te Ata people.



Karl Whare Tipeti Flavell  
Manager Te Taiao (Environment and Heritage)  
Ngaati Te Ata  
Date: 3<sup>rd</sup> May 2021





Proposed Road Path: Traditional Ara Hikoi through this ridgeline.



A two-lane private road is proposed up transmission hill as well as lighting and walking, cycling, which will access the proposed Havelock Village 600 residential development and the tourist resort for Tata Valley



Pre-European Maori, Major Wiremu Wheoro Paa Signal Station Cultural Landscape.