

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 3 Strategic Objectives

STATEMENT OF EVIDENCE

PROVIDED BY

Gavin Rhys Donald

ON BEHALF OF

WAIKATO – TAINUI

AND ENDORSED BY SUBMITTERS

TURANGAWAEWAE MARAE TRUST BOARD AND JACKIE COLLIAR

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 strategic objectives. The Waikato-Tainui submission (submission 286) to the Proposed Waikato District Plan is endorsed by submitters Turangawaewae Marae Trust Board and Jackie Colliar. Turangawaewae Marae Trust Board and Jackie Colliar choose to be heard with Waikato-Tainui for this hearing, and may opt to provide separate evidence for individual hearing topics.
- 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 Waikato-Tainui seek amendments to the Proposed Waikato District Plan. These amendments are sought to both improve usability of the proposed plan and to ensure the plan provides appropriate environmental protections, as sought by the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao.
- 3.5 The amendments sought by Waikato – Tainui on some occasions may be provided for in the 42a Reports for hearing topics 1 (Introduction to the Waikato District Plan) and 2 (All of Plan). The ability to provide this evidence in a combined manner was provided for by the Hearings Panel, following a request from Waikato-Tainui.
- 3.6 My evidence brief covers:
 - Waikato-Tainui areas of focus;
 - Waikato-Tainui submission points that have been attributed to Hearing 3 – Strategic Objectives;

- The s42a as it applies to the Waikato-Tainui submission; and,
- Submissions that Waikato-Tainui have further submitted to.

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 WAIKATO-TAINUI SUBMISSION POINTS TO THE STRATEGIC OBJECTIVES

- 5.1 The Waikato-Tainui submission to the Proposed Waikato District Plan sought to ensure that objectives in the tangata whenua chapter were provided for across the plan and also sought greater inclusion of maatauranga Maaori at every opportunity. The submission also sought greater recognition and understanding of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao, it is anticipated that this understanding could be achieved at an objective level.
- 5.2 The promotion of 2.11 Strategic Objective – Tautoko te Whakatupuranga to the introduction, 1.13.1 Strategic Objective – Tautoko te Whakatupuranga, is viewed as a positive amendment. This change provides for an iwi focused objective, that groups it with all other objectives and provides the reader with an understanding that this objective applies across the plan. The objective text remains unchanged by the s42a report to state:
- (a) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people
- (Addresses: • Issue 1.4.5 – Maaori Freehold Land;
- Matters set out in section 1.6 – Ngaa Iwi o Tainui kit e Waikato Takiwa; and
- Matters set out in section 1.7 – Settlements Acts / Co-management / Rivers – Vision and Strategies / Joint Management).
- 5.3 Whilst supporting the amendment to bring the iwi focused objective forward in the plan, I am of the opinion that the objective could say more and be stronger in relation to the promotion of cultural values and the utilisation of Maatauranga Maori.
- 5.4 An improved or additional objective should be provided for. The objective provided is very people focused and does not recognise the interconnections Maaori have with the environment. Neighbouring local authorities have provided for increased recognition of mana whenua

connections with the natural environment. An example is the Auckland Unitary Plan, which specifically discusses in the objectives of the plan the use of maatauranga Maaori, tikanga and kaitiaki responsibilities amongst other matters of importance to iwi. These specific references provide resource users with an expectation and their responsibilities in and around the environment. A proposed amendment reflecting this provided below.

1.13.1 Strategic Objective – Tautoko te Whakatupuranga

(a) To support Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people

(b) To promote and enhance the mauri of, and the relationship of Mana Whenua with rural, urban, natural environments and historic heritage.

(Addresses: • Issue 1.4.5 – Maaori Freehold Land; Issue 1.4.2 Economic Growth; Issue 1.4.3 The Rural Environment; Issue 1.4.4 The Urban Environment; Issue 1.2.5 Historic Heritage (contained within s42A report for Hearing 1)

• Matters set out in section 1.6 – Ngaa Iwi o Tainui kit e Waikato Takiwa; and

• Matters set out in section 1.7 – Settlements Acts / Co-management / Rivers – Vision and Strategies / Joint Management).

- 5.5 I consider that this amendment will provide for a holistic and integrated approach to resource management. In providing for this amendment, the objective will be giving greater effect to the Waikato Regional Policy Statement. Maatauranga Maaori is recognised in Objective 3.9 of the Waikato RPS as follows:

The relationship of tāngata whenua with the environment is recognised and provided for, including:

a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and

b) the role of tāngata whenua as kaitiaki.

- 5.6 This objective in the RPS specifically discusses the relationships of tangata whenua with the environment in conjunction with resource use and enjoyment. The amendment proposed provides for this at the Strategic Objective level.

- 5.7 I consider that amending the objective better reflects and aligns with the intended approach of the Proposed Waikato District Plan, as captured in section 2.1(a) which reads as follows:

The plan uses a holistic cultural and ethical approach to resource management and takes into account the principles of the Treaty of Waitangi, in particular the idea of active involvement. Partnership is approached through the recognition of iwi plans and ongoing consultation. The introduction of a Tangata Whenua section is to provide background and better understanding of Maaori issues. It is a new approach that is further supported by objectives, policies, rules and methods more specific to Maaori aspirations. It is thought that this approach will enable an improved presence of Tangata Whenua throughout the plan and the relevant objectives, policies, rules and methods to be given more consideration.

- 5.8 I am of the further opinion that cross referencing all issues statements, beyond Issue 1.4.5 relating to Maaori Freehold Land, better reflects the holistic world view noted in section 2.1(a) of the Proposed Waikato District Plan referenced above.
- 5.9 It is my opinion that further recognition of maatauranga, tikanga, Maaori values and culture is necessary throughout the Proposed Waikato District Plan to reflect the intended holistic approach. I will specifically address this during topic and zone-specific hearings.

6.0 RESPONSE TO FURTHER SUBMISSION POINTS

- 6.1 Waikato-Tainui further submitted against a number of submission points made by Federated Farmers of New Zealand. In relation to the Strategic Objectives chapter, these submission points included 680.0, 680.22 and 680.55. The 42a report supported part of the amendments suggested, however rejected submission points 680.20 and 680.55 in their entirety. I support this recommendation as the proposed amendments did not provide the adequate protections for rural environment and appear contrary to guiding documents like the RPS or Future Proof.

7.0 SUMMARY

- 7.1 I am of the opinion that the broadening of the Strategic Objective as it relates to iwi will benefit the plan. The proposed amendment provides for a holistic and integrated approach, that is more consistent with a Maaori world view. Further, the amendment aligns the Proposed Waikato District Plan better with the Waikato Regional Policy Statement.
- 7.2 Waikato-Tainui remain committed to the Waikato District Plan review process, to ensure positive outcomes for the people of Waikato-Tainui and the community in general. I am of the opinion that Waikato-Tainui contributions will become increasingly relevant in specific chapters. At this early stage of hearings, Turangawaewae Marae Trust Board and Jackie Colliar continue to support the Waikato-Tainui evidence.