

2025

Cultural Impact Assessment: New Ruakiwi Reservoir and Infrastructure Upgrades



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1. EXECUTIVE SUMMARY

In November 2022 Hamilton City Council was granted \$150.6 million to accelerate infrastructure required to unlock housing in central Hamilton. The IAF Fund is managed by Kāinga Ora on behalf of the government and was specifically tagged to a suite of projects to include the upsizing of water infrastructure and the construction of a new reservoir to replace the existing structure on Ruakiwi Rd to service the needs of the central city.

Ngaati Wairere Taiao presents this Cultural Impact Assessment to Hamilton City Council to understand the cultural duty as expressed by Ngaati Wairere as mana whenua, and their responsibility for the protection and restoration of *mauri* of their ancestral lands and waters in Kirikiriroa within the IAF scope of projects.

Background

Local Water Done Well is the coalition Government's plan to address New Zealand's long standing water infrastructure challenges. The Local Government (Water Services) Bill, is scheduled to come into effect 1 July 2026.

The objectives of the Cultural Assessment were agreed as follows:

- Demonstrate and record genuine engagement with the marae of Ngaati Wairere
- Undertake assessments of the activity against relevant Environmental Plans and strategies;
- Inform discussions with tangata whenua, the project team, coordinate and share information;
- Reflect issues and opportunities presented by Ngaati Wairere.
- Articulate the position of Ngaati Wairere in relation to the activity; and
- Present the Report to accompany associated applications for consents.

Initially this Cultural Assessment was specific to the proposed Reservoir. However, as the suite of infrastructure projects were presented, what became apparent was the enduring impact of

development on the values of *whenua* and *wai*. Hamilton is the fastest growing city in New Zealand and the Council has an aspiration to build 4,000 new homes for a projected 10,800 people by 2035.

The projects are identified as follows;

- New Ruakiwi Reservoir & Booster Pump Station
- Central City infrastructure upgrades
- Integrated Stormwater Catchment Management Plan
- North-South Corridor investigation and protection
- Wastewater investigation & protection

The proposal for the construction of the Active Modes Bridge was later removed and the cost reassigned to infrastructure upgrades. Ngaati Wairere does not support the construction of a new bridge in the CBD for the purpose of Active Modes. Their preference is to repurpose the Claudelands Bridge for this activity.

Dialectal Conventions

For this report the double vowel dialect is used, except for direct quotes where tohūtō (macrons) have been adopted.

Restricted Use of this Report

The intention of this report is for the purposes of proposed water services and water infrastructure projects within the scope of the IAF funded projects. As changes to the Resource Management legislation take effect under the new Joint Waters company, Ngaati Wairere reserves the right to review and reaffirm its position.

This information cannot be used for any other purpose without the express permission of Ngaati Wairere, and in no way substitutes the need for future engagement with taangata whenua.

2. TANGATA WHENUA ENGAGEMENT

Identification of mana whenua of Kirikiriroa

Ngaati Wairere take their name from the eponymous ancestor Wairere who was born around the 16th Century. Ngaati Wairere are both *tangata whenua*, literally meaning people of the land, and *mana whenua* which is customary and historical authority over their ancestral lands of Kirikiriroa. Ngaati Wairere are also *Ahi Kaa*, which is the title to land through the continuous occupation of the *whenua* by the *hapuu* of Ngaati Wairere.

Once a prosperous economy the *korowai* of Ngaati Wairere extended to the traditional *hapuu* of Ngaa Iwi, Te Ao, Paretaua, Haumi, Ngamurikaitauaa, Haanui, Iranui, Parekiirangi, Waikai, Kooura and others.

Hamilton City Council also recognises Ngaati Mahanga, Ngaati Hauaa, Ngaati Korokii Kahukura, and Tamainupoo as hapuu of Kirikiriroa. Inherently they share common whakapapa through Wairere to the tupuna Maahanga as a direct descendant to Tainui Waka, and the grandfather of Wairere. Collectively their marae are members of Te Whakakitenga the Trustee of the Waikato -Tainui tribal authority, and *kaitiaki* of the Kiingitanga. Ngaati Wairere also have a Treaty of Waitangi Claim (WAI2067) currently being negotiated – the conclusion of these negotiations will need to be considered for future partnership agreements.

The title of *ahi kaa* is exclusive to Ngaati Wairere alone and we acknowledge the *tupuna* Maahanga for the gift to his *mokopuna*.

Consultation process

Ngaati Wairere is the independent voice at the partnership table with tangata whenua and they meet regularly with Hamilton Council staff and project managers for IAF specific activities, and through the Wai Waananga for other water related activities.

Ngaati Wairere have two marae Hukanui and Tauhei, located on the rural outskirts of Hamilton City at Gordonton and Tauhei villages. Both marae are members of Te Whakakitenga o Waikato-Tainui who act as tribal authority under the 1995 Waikato Raupatu Claims Settlement Act.

The marae of Ngaati Wairere work independently of each other to manage the daily objectives of their respective marae estates and environs. The Wairere Taiao Team represents Ngaati Wairere iwi as guided by the kaumatua and marae leaders of the iwi with respect to matters of local government activity.

Of greater concern to our members is the reach of Hamilton City Council's jurisdiction upon the rural periphery and the remaining traditional lands of Ngaati Wairere at Hukanui (Gordonton), Horsham Downs, the Rukuhia peat plain, across Tamahere, towards Ruakura, Puketaha before to returning to Hukanui.

Consultation with Ngaati Wairere as an autonomous body is imperative as the demand for land accelerates, an historic echo of Ngaati Wairere's past. Ngaati Wairere are not opposed to economic growth, but caution is advised for the development of housing on the remaining peat lands such as Rukuhia, and the Piako Plain, without exception the protection and restoration of the gully catchments and remaining lakes of our ancestral lands.

It cannot be understated that peat lands and green fields perform a critical role in flood protection and stormwater management against the challenges of climate change.

3. NEW ZEALAND LEGISLATION & RELATED DOCUMENTS

Te Tiriti o Waitangi

All local and regional authorities have a responsibility to uphold and give effect to the principles of Te Tiriti o Waitangi within the framework of the co-governance arrangement with Waikato-Tainui.

The principle of protection is also demonstrated here, as the Crown must uphold an active, enduring partnership with Tangata Whenua. This partnership should acknowledge Tangata Whenua rights to exercise *rangatiratanga* (chieftainship), *kaitiakitanga* (guardianship), *tikanga* (customary practices) and *maatauranga maaori* (cultural heritage) in ensuring that Tangata Whenua are involved at all levels of development and implementation, where Council lead activities affect taonga such as water and land. Notwithstanding, the properties and values of land and water are inseparable and intrinsic to the wellbeing of tangata, people.

Additionally, Tangata Whenua seek to protect the history, *whakapapa* (genealogy), and other *taonga tuku iho* (inherited treasures) associated with *whenua* and *wai*.

Today, the coalition government proposes legislative changes that may undermine the right of tangata whenua to preserve their enduring environmental protections for the promotion of accelerated growth and economic development. These proposals continue to breach Te Tiriti and the integrity of Ngaati Wairere identity on their ancestral lands.

New Zealand Legislation & Government Policies

i. Resource Management Act 1991 (RMA)

- Section 6(e) – Recognizes the relationship of Māori with ancestral lands, water, and taonga.
- Section 7(a) – Kaitiakitanga
- Section 8 – Requires decision-makers to consider the principles of the Treaty of Waitangi.

ii. Heritage New Zealand Pouhere Taonga Act 2014

- Provides legal protection for archaeological sites and Māori heritage.
- Requires an Archaeological Authority before modifying or disturbing sites.

a) Te Tiriti o Waitangi / The Treaty of Waitangi

- Recognises Māori rights, governance, and partnership with the Crown in decision making.

- b) National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - Upholds Te Mana o Te Wai, prioritizing the health and well-being of water bodies.
- c) Conservation Act 1987
 - Includes provisions to involve Maaori in the management of natural resources.
- d) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
 - Section 5 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 sets out the 'guiding principles for interpretation' in relation to Te Ture Whaimana:

Guiding principles of interpretation

1. Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River.
2. This Act must be interpreted in a manner that best furthers—
 - a. the overarching purpose of the settlement; and
 - b. subsection (1); and
 - c. the agreements expressed in the 2009 deed and the Kiingitanga Accord.

Te Ture Whaimana contains a set of 13 objectives and strategies to achieve its vision. The objectives are provided in the following section.

TE TURE WHAIMANA OBJECTIVES:

- a) The restoration and protection of the health and wellbeing of the Waikato River.
- b) The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c) The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural, and spiritual relationships.

- d) The restoration and protection of the relationship of the Waikato region's communities with the Waikato River includes their economic, social, cultural and spiritual relationships.
- e) The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
- f) The adoption of a precautionary approach towards decision that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.
- g) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River
- h) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- i) The protection and enhancement of significant sites, fisheries, flora and fauna.
- j) The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.
- k) The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- l) The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m) The application to the above of both maatauranga Maaori and latest scientific methods.

Regional & Local Government Policies

- i. Waikato Regional Policy Statement
 - Identifies culturally significant landscapes and waterways in the region.
- ii. Hamilton City Council Operative District Plan

- Contains rules regarding heritage sites, *waahi tapu*, significant natural areas, and Maaori cultural values.

4. RELATED DOCUMENTS

TAI TUMU, TAI PARI, TAI AO – THE WAIKATO-TAINUI ENVIRONMENTAL PLAN

The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the 1860's environmental state.

To do this, the Plan seeks to:

- a) Provide the overarching position of Waikato-Tainui on the environment;
- b) Consolidate and describe Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment;
- c) Underpin the development of a consistent and integrated approach to environmental management within the Waikato-Tainui rohe;
- d) Describe Waikato-Tainui environmental issues;
- e) Provide tools to enhance Waikato-Tainui mana whakahaere and kaitiakitanga, particularly when participating in resource and environmental management through:
 - i. Influencing the development of all environmental policies and plans that affect Waikato-Tainui;
 - ii. Establishing a framework for resource and environmental management to support tribal members, whether as *whaanau*, *marae*, *hapuu*, or whatever grouping Waikato-Tainui, from time to time, choose to adopt;
 - iii. Providing mechanisms to restore and protect the natural environment of Waikato-Tainui, whilst recognising the reasonable needs of local communities;
 - iv. Actively contributing to the co-management of the Waikato River;

- v. Influencing local and national decision makers;
 - vi. Providing a guide for resource users or developers in the Waikato-Tainui rohe;
 - vii. Affecting how and where development may occur; and
 - viii. Providing clear and consistent issues statements, policies, and methods to manage natural resources.
- f) Provide guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment.

Maaori-Led Guidelines & Frameworks

- 4.1. Iwi Management Plans (e.g., Waikato-Tainui Environmental Plan)
 - Outlines iwi perspectives and environmental priorities.
- 4.2. Maatauranga Maaori & Tikanga Maaori Principles
 - Ensures Maaori worldviews, traditional practices, and knowledge systems are respected.
- 4.3. Te Wai E Rere Nei
 - Te Wai E Rere Nei is the vision and strategy for Ngaati Wairere. It is intended to inspire the revitalisation and protection of their cultural heritage and identity through the ritual and spiritual purification of their awa tupuna Waikato. Guided by tongi of King Taawhiao the strategy references *puna* (springs) as an expression of wellbeing and prosperity.

5. REPORTS RECEIVED – INFORMATION CONSIDERED

Ruakiwi Reservoir

Initially a number of sites were considered for the construction of a new reservoir before landing back at Ruakiwi Road. A prominent ridgeline on the landscape the site has

undergone significant modifications before the turn of the 20th century. Historically it was a common track that linked the southern paa sites and hapuu to the north.

On the western side of the ridge, known today as Lake Rotoroa, the lake was a rich resource for *kai*, *rongoaa* (natural health remedies) and textiles. On the eastern side a course of freshwater sources that provided much of the same abundance as it weaved its way to merge with the *tupuna awa*, Waikato.

Today, the lake is subject to a recovery programme to improve water quality and restoration of indigenous flora and fauna. The lake sets an idyllic back drop for local residents, families and visitors alike to Hamilton City. The vast play areas, green space, and the lake surface has supported rowing clubs, fitness buffs and various forms of recreational activities that promote wellbeing. A paradox of standards for the life supporting abundance once apparent a century ago, for the high standard of water quality within Lake Rotoroa.

Ironically Hamilton proposes to deliver safe, high quality, well-maintained drinking water, wastewater and stormwater to all Hamiltonians. From a Wairere cultural lens, unless water is treated by *Papatuaanuku* it will never match the cultural benchmark of *wai maaori* in its purest form.

Central City Upgrades

Ngaati Wairere were experts in food production and were supplying food, and textiles to local and international markets. Up until 1863 there were many *paa* and *papakaainga* located along the east and west banks, and inland of the Waikato River in the settlement referred to today as Hamilton Kirikirua.

The historic narrative of this area was for the cultural, physical, spiritual and economic prosperity of the many hapuu and visiting iwi prior to European settlement. The gullies, lakes and streams were nature's infrastructure, connecting migrating species to junctions and spawning areas through their life cycle journey.

The arrival of colonial settlers worked quickly to construct roads and pipes to service the new migrant communities with no regard for the destruction of natural habitat. Streams were piped, and gully systems would eventually be filled to open the area for settlement and farming. Ngaati Wairere descendants became a critical work force for construction of Waikato's infrastructure.

Closing statement

Today the drivers of economic growth have been slow to respond to today's climate challenges that has triggered the central government reforms to improve infrastructure nationwide. Hamilton city is fortunate for the gully system and the Waikato River as the receiving environment of stormwater overflows.

This cultural assessment is not site specific because there is not one site in Kirikiriroa that has not been impacted greater than the other because much of the historic identity and *taonga* of Ngaati Wairere have been modified, buried or destroyed and what remains increases the volatility for the ongoing demands of economic growth.

6. MITIGATIONS:

6.1. Integration of Maatauranga Māori and Science

- The design and implementation of biodiversity offsets are informed by both scientific knowledge and *maatauranga Maaori* (Maaori traditional knowledge) to ensure culturally appropriate conservation efforts.
- Ngaati Wairere are currently engaged in the restoration of Lake Rotoroa, and consider maintenance of the reservoir may have a bearing on restoration plans for the Lake when the water from the reservoir is emptied into the lake. It is understood that the impact will be low, regardless it is requested that Ngaati Wairere will be notified accordingly of this occurrence and any marked changes that may or not arise.

6.2. Tangata Whenua Participation

- Ngaati Wairere are actively engaged in the initial design process of the Reservoir for the values of *wai* as the overarching theme.
- Ngaati Wairere attended a site visit of the proposed structure/s on 25 June 2025.
- Ngaati Wairere will remain an active and informed member of the IAF projects team where they receive regular updates for the long-term duration of infrastructure upgrades, and any potential new developments.

6.3. Cultural monitoring and site protection

- Waahi Tapu (Sites of cultural significance): Involve tangata whenua in environmental assessments to ensure protection of *waahi tapu* and significant cultural features.
- The tangata protocols of land preparation, archaeological findings, and new construction will be observed.
- In the event of an archaeological find, Ngaati Wairere will appoint an appropriate Kaitiaki to conduct the necessary *karakia* and *tikanga* to oversee and monitor the process. (Refer Appendices 1 & 2)

6.4. Transparency and Communication

- There is an emphasis on ensuring that the offsetting design and implementation, as well as the communication of results, are conducted in a transparent and timely manner, involving tangata whenua and other stakeholders.

6.5. Restoration and Enhancement of Natural Habitats

- The plan includes the creation and restoration of wetlands, riparian planting with native species, and exclusion of stock from water bodies. These efforts help maintain ecological balance and align with maaori values of environmental stewardship.

- In consultation with project leaders for the Ruakiwi Reservoir an assessment to identify native bat habitat in the area was completed. Ngaati Wairere are satisfied that a number of exotic trees will be removed and the juvenile native trees will be relocated to other areas of the site.

6.6. Cultural visibility

- Maaori Signage and Storytelling: Incorporate te reo Maaori and narratives for the values of *whenua* and *wai*.
- The integration of cultural landscaping and traditional Maaori are components of the design for the Reservoir and any new developments that may occur within the IAF scope.

7. APPENDICES

APPENDIX 1: PRE-CONSTRUCTION PROTOCOLS

Prior to undertaking any works associated with the project, the following process should be undertaken:

- Site blessing ceremony
- Waahi Tapu / Site of Significance

The *waahi tapu*, or sites of significance, associated with the project site will be given every regard and identified by Taangata Whenua who will have the opportunity to:

- To perform necessary protocols with notice of no less than 14 working days, prior to any excavation, disturbance or works near newly discovered sites, a schedule of dates for excavation events, their sequence and duration.
- The Site Manager shall then invite Ngaati Wairere to attend any portion of monitoring or earthworks.
- If *taonga*, artefacts or *kooiwi* are discovered, the relevant protocols will be followed, as provided in Taonga Tuku Iho Discovery and Kooiwi Discovery Protocols.

APPENDIX 2: TAONGA TUKU IHO DISCOVERY

Ngaati Wairere are Temporary Custodians of Taonga Tuuturu, as defined under the Protected Objects Act 1975. Therefore, at the point of discovery, within the project area, they are custodians of the found *taonga*, until ownership is determined and arrangements made for the transfer of ownership and/or custodianship to a jointly agreed owner. Tangata whenua will be handed custodianship, where they will determine who should safely house the *taonga* until ownership is determined. The following process shall be adhered to upon discoveries during works under an archaeological authority without an Archaeologist or Kaitiaki present:

- i. The area of the site containing the taonga will be secured in a way that protects the *taonga* as far as possible from further damage. This means that work in the vicinity shall cease immediately.
- ii. If a Kaitiaki appointed by Ngaati Wairere is not present, they shall be notified immediately, by the Site manager, before the *taonga* is moved.
- iii. Only the Kaitiaki will undertake appropriate actions.
- iv. Work may resume when advised by the Kaitiaki.
- v. The archaeologist will record, measure, and photograph the *taonga* prior to the *taonga* being secured by Ngaati Wairere.
- vi. The Kaitiaki will determine the appropriate action for the *taonga* once it has been recorded. This may include reburying the *taonga* in an appropriate location, or storing in an appropriate location.
- vii. The archaeologist will notify Te Manatū Taonga – Ministry for Culture and Heritage, of significant finds within 28 days to inform the Ministry of its actions.
- viii. If the *taonga* requires conservation treatment (stabilisation), the artefact will be removed immediately for conservation to an approved facility, in discussion with the Archaeologist and Kaitiaki.

- ix. For the avoidance of doubt subject to any laws of New Zealand any newly discovered *taonga* shall be the property of Ngaati Wairere who shall hold and use those *taonga* (including the return of them to *Marae*) as they, in their sole discretion, see fit.

APPENDIX 3: KOOIWI DISCOVERY

There may be a chance that during earthworks, *kooiwi* or human bones, may present themselves. This is a serious matter to taangata whenua, as there may be a reason why the *kooiwi* has become visible. This will be covered in more detail during the staff induction workshop. If staff uncover bones, of any kind, the *tikanga* of Ngaati Wairere must be upheld by undertaking the following discovery process:

- i. The area containing the *kooiwi* shall be secured in a way that protects the *kooiwi* from any damage. This means that work in the vicinity shall cease immediately.
- ii. If a Kaitiaki appointed by Ngaati Wairere or the Project Archaeologist is not present, they shall be notified immediately, by the Site manager, of the discovery.
- iii. The archaeologist shall confirm if the find is human.
- iv. If the find is human, then the Kaitiaki will be immediately contacted.
- v. The archaeologist will contact the local Police (call 105), Coroner and Heritage NZ.
- vi. There is a minimum investigation requirement of *kooiwi* for the archaeological authority that will be met by the archaeologist.
- vii. The Kaitiaki and the Project Archaeologist will arrange for appropriate people to be involved.
- viii. Guidance will be provided from the Kaitiaki and the Project Archaeologist to undertake the following:
 - a. Hold appropriate cultural customs to remove the *kooiwi*.

- b. Provide an appropriate vessel to uplift the *kooiwi*. Note that food storage vessels are not appropriate.
- c. Determine a place of reburial, with the approval of the coroner.
- ix. Ensure a full plan is developed and fulfilled to see the burial of discovered kooiwi.
- x. Once *tikanga* has been fulfilled, work may continue as guided by the Kaitiaki and the Project Archaeologist.

APPENDIX 4: NGAATI WAIRERE TRIBAL AREA

