

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
APPOINTED BY THE HAMILTON CITY COUNCIL**

**UNDER THE**

Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF**

of an application for subdivision and land use  
consent for the Amberfield development pursuant  
to the Act

**BETWEEN**

**WESTON LEA LTD LIMITED**

Applicant

**AND**

**HAMILTON CITY COUNCIL**

Consent Authority

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**STATEMENT OF SONNY KARENA ON BEHALF OF  
THE TANGATA WHENUA WORKING GROUP**

**13 MAY 2019**

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Counsel instructed:

**JGH** BARRISTER

J D K Gardner-Hopkins

Phone: 04 889 2776

[james@jghbarrister.com](mailto:james@jghbarrister.com)

PO Box 25-160

**WELLINGTON**

## MAY IT PLEASE THE COMMISSIONERS:

### Introduction

1. My name is Sonny Karena.
2. I am the Chair of the Tangata Whenua Working Group ("**TWWG**") established to consider the application by Weston Lea Ltd ("**Weston Lea**") presently being considered by the Panel. I am authorised to speak for the TWGG before this Panel.
3. I was jointly empanelled with Mr Norm Hill on Friday last week (3 May 2019) to provide evidence with Mr Hill on who the TWWG "is", and how the TWWG relates to the wider Waikato-Tainui entities. Mr Hill also addressed this in his evidence. Unless there are further questions from the Panel, I do not intend to address these issues further, other than to:
  - (a) record my opinion that it is the hapu forming the TWWG who are mana whenua in respect of the area to which the project relates; and
  - (b) identify those hapu as being: Ngāti Wairere, Ngāti Hauā, Ngāti Tamainupo and Ngāti Māhanga.

### Confirmation of the TWWG's position

4. The TWWG is supportive of the proposal. It has appreciated the regular and open way in which the applicant – Weston Lea, but also its owners, the Peacock Family – have engaged with the TWWG and sought to understand its concerns and address them.
5. All fundamental issues have been identified through that engagement process and resolved to the TWWG's satisfaction. Accordingly, the TWWG was able to provide a submission in support of the application. There are, however, a few important matters of detail that the TWWG would like to see addressed through this hearing process, which is why it chose to submit and appear, rather than provide formal "written approval" to the application.

### **Approach to my evidence**

6. I provide a brief summary of the issues in this written brief of evidence.
7. My intention is to talk to the issues at the hearing further, as necessary, and answer questions from the Panel if any matters need further clarification.

### **Background**

8. The application area is of significance to mana whenua. It is located on ancestral lands, next to ancestral waters and contains sites of cultural significance. The TWWG accepts the reality that mana whenua will never have that land returned to them – and that their original alienation from it was not of the Peacock's making; but it is the TWWG's wish that the various ancestral connections of its members to the land are recognised and provided for to the extent possible as part of this development.
9. This has driven TWWG's consideration of the issues.

### **The wastewater pipe**

10. This was originally an issue of significant concern to the TWWG. We were originally concerned about the risks of the pipe failing, and impacting on the mauri of the Waikato River.
11. However, we understand from the applicant that:
  - (a) the nature of the technical solution, and the past history of its use elsewhere, provides a high degree of confidence that the pipe will not fail;
  - (b) if the pipe does fail, wastewater will not enter the waters of the Waikato River, given the separation below it – and that there will be a "fail-safe" to stop its use should there be an issue; and
  - (c) in the case of any issue, wastewater can be trucked until a solution is found.
12. Because of these assurances, and our trust of the Applicant's technical work, the TWWG is prepared to accept the pipe *as a temporary measure*.

### Ongoing engagement

13. Weston Lea and the TWWG have entered into a Kawenata, or “agreement” to govern the principles of engagement into the future. Te stated purpose of the Kawenata includes the following:

The purpose of this Kawenata is to formalise the agreement between Weston Lea Ltd and the Tangata Whenua Working Group to work together to achieve the objectives set out below, in accordance with the policies, in relation to the Amberfield development. The Kawenata recognises that the collective hapuu are man a whenua of the Amberfield area.

14. The TWWG is mentioned in at least one of the current conditions, condition 82, relating to consultation in respect of the long-tailed bat management and monitoring plan. However, the TWWG would like to see greater recognition of the commitment by Weston Lea to consult with it on other matters built into the conditions.
15. In particular, the TWWG wishes to be consulted in respect of:
- (a) **The naming of roads, reserves etc.** While it is a requirement of the Council’s “Naming of Roads, Open Spaces and Council Facilities Policy” for the applicant to consult with Tangata Whenua, it would be appropriate, where the TWWG has already been identified as representing mana whenua, for consultation with it to be included in the conditions of consent.
  - (b) **The Archaeological Heritage Reserve Management Plan.** The conditions currently require consultation with Nga Mana Toopu o Kirikiriroa, Te Ha o Te Whenua o Kirikiriroa, and Waikato Tainui and Heritage New Zealand Pouhere Taonga. It would be appropriate to extend consultation to the TWWG as well.
16. More generally, and consistent with the Kawenata, the TWWG, wishes for the consent to provide for more general updates to be provided to the TWWG as the development proceeds, so that the TWWG can understand any issues that might emerge at an early stage (if any), and assist the applicant in working through them.
17. The TWWG is happy to discuss with the applicant how any conditions should “look”, to ensure the right balance is met. The TWWG does not

wish to require unnecessary consultation, or consultation for consultation's sake.

### **Affordable housing**

18. Finally, I wish to record that, personally, I am an advocate for affordable housing opportunities being considered as part of appropriate developments. I accept, however, that the proposal does not include so-called "affordable housing", and is not being advanced under the Special Housing Legislation that might require those options to be provided.
19. Although the proposal does not involve any formal "affordable housing" component, the scale of the development may assist in reducing ongoing escalation of housing prices. On that basis, the development may even provide, over time, opportunities for individual hapu members and their whanau to move back to their ancestral land.

**Sonny Karena**

**13 May 2019**

