

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of a resource consent application by  
GBC Winstone to Whangarei District  
Council for the Otaika Quarry  
overburden disposal area project.

---

**CULTURAL EVIDENCE AMOS KAMO**

**RESPONSE TO JULIANNE CHETHAM'S HERARING PRESENTATION**

---

**18 April 2018**

## MANAWHENUA ENGAGEMENT

1. In response to Ms Chetham's statement in her summary of evidence regarding engagement with manawhenua, it was suggested that a proposal of this scale would normally require broader engagement with manawhenua (i.e. beneficiaries) than what has occurred to date. As noted by Mr Wallace, direction regarding who to approach (manawhenua) was provided by Council (Andre Hemara) early 2016. At this time Mr Wallace was directed to discuss the proposal with Mr Taipari Munro, Mrs Mira Norris and Mrs Marina Fletcher. Since then GBC Winstone has followed the direction from the Ruarangi and Te Pouwhenua o Tiakiriri Trusts on who and how to engage manawhenua which is the culturally appropriate response. It would be inappropriate for GBC Winstone to have called a meeting of beneficiaries without first taking direction from either Trust to discuss the proposal, that role and responsibility rests with the chairs of the each Trust, not GBC Winstone.

## IMPACTS ON CULTURAL VALUES

2. I'm struggling to understand Ms Chetham's position that the current proposal will result in effects on Ruarangi cultural landscape that are unable to be avoided or remedied or the measures proposed do not constitute mitigation for effects as per section 6(e) of the RMA. (refer para 34 – concluding paragraph)

From my experience in working on similar projects across the country such a strong position would normally be supported by evidence of a direct impact on a cultural site of significance such as an urupa, pa site, or site in which wahi tapu related rites were conducted. I support the notion that Pegram Block is an important part of the wider Ruarangi cultural landscape which contains a number of the aforementioned site types. However, I haven't seen or been provided any information that indicates a direct impact within the Pegram Block on any of the above, and it is for this reason that I am struggling to reconcile Ms Chetham's position.

3. I base this view from my own experience as a technical adviser working with manawhenua on the Mackays to Pekapeka Expressway project (2009-2012). In this instance, the proposed M2PP expressway directly impacted the gazetted Takamore urupa which was located within a significant cultural landscape. The position of manawhenua including the trustees of the gazetted urupa adopted a position similar to that described

by Ms Chetham, due to direct impacts of the proposal on identified site/s of significant cultural value.

#### **Resource Management Act 1991 (RMA) PROVISIONS AND MITIGATION**

4. At paragraph 19 of her evidence, Ms Chetham refers to the mitigation proposals offered to the Ruarangi Trust as “*well-crafted recognising some of the issues the Trust faces in their ongoing aspirations to develop and manage the Block*” and therefore addresses s8 of the Resource Management Act 1991. She then goes onto to comment that matters pertaining to s6(e) of the RMA have not been addressed.
5. Section 8 which refers to ‘principles of the Treaty of Waitangi’ includes the duties of ‘active protection’, ‘partnership’, ‘mutual benefit’ and ‘consultation’. It is my contention that s8 is inextricably linked to the applicant’s responsibilities pursuant to s6(e) and s7(a) which provide for the relationship of Maori and their culture and traditions to their ancestral lands, water, sites waahi tapu and other taonga, as well as duties and responsibilities as kaitiaki (guardians) of these sites and places. The mitigation packages have been deliberately crafted to provide manawhenua the opportunities not normally afforded to contribute to decision making processes in relation to the future management of the Pegram Block and more widely Otaika Quarry. They relate not just to s8 but can be read to address s6(e) and 7(a) obligations as set out above.
6. Ms Chetham also notes in her summary of evidence that the proposed mitigation should be regarded as ‘compensation’ not ‘mitigation’. There are two issues with her position. Firstly, the direct cultural impacts on the Pegram Block haven’t been defined which makes it difficult to provide for a specific mitigation response. Secondly, mitigation packages are often of mix of direct and offset mitigation for effects on cultural values and often include financial compensation to support iwi social and economic initiatives. There is nothing unusual in this approach, in fact the majority of mitigation proposals I have negotiated to address cultural effects has followed a similar formula.