

RECEIVED ON

- 5 OCT 2007
1088

SUBMISSION ON TRANSPOWERS NOTICE OF REQUIREMENT

TO: Minister for the Environment
Freepost Grid Upgrade Submission
PO Box 4405
Hamilton East
HAMILTON 3247

FROM: Waikato Raupatu Trustee Company Ltd
Private Bag 542
NGARUAWAHIA

INTRODUCTION

This submission has been written to outline the position of Waikato Raupatu Trustee Company Ltd (WRTCL) concerning all notice of requirements and applications for resource consents.

It should be made very clear to Ministry for the Environment that this submission represents the WRTCL as the mandated Iwi Authority. Furthermore, this submission has been prepared by the Environmental Unit of the WRTCL.

This submission is not directly representative of the marae and haapu affected by Transpower preferred route. We have a duty to those marae to ensure that the consent applicant is providing them with ample opportunity to raise their issues and guarantee a fair process for mitigation and compensation.

This submission in no way satisfies our definition of "consultation" which requires more "kanohi ki te kanohi" discussions.

Waikato Raupatu Trustee Company Limited

The Waikato Raupatu Trustee Company Limited (WRTCL) succeeded the Tainui Maori Trust Board in 1999 and is the trustee of the Waikato Raupatu Lands Trust (WRLT). The WRTCL is the legal and constitutional Iwi Authority for Waikato-Tainui. The sole shareholder of the WRTCL is Te Kauhanganui o Waikato Inc; the representative governing body of Waikato-Tainui.

Te Kauhanganui has 195 members with three elected from each of the 65 Raupatu Marae of Waikato-Tainui. 10 representatives from Te Kauhanganui are elected to the Tainui executive "Te Arataura", the 11th member of this executive is appointed by, Te Kingi Maori a Tuheitia. Currently, our tribal register total for these represented 65 marae is almost 51,000 tribal members.

Marae potentially and directly affected by this proposal

The Marae identified are Mangatangi, Maurea, Horahora, Waiti, Te Hoe-o-Tainui, Rukumoana, Kai-a-te-mata, Tauwhare, Taniwha, Matahuru, Okaerea and Tauhei. There are marae in Raukawa who will also be affected by the proposal and will identify issues representative of themselves. The submissions presented by these Marae should be reflected in the decision by the Board of Enquiry.

The issues raised by Management committees and Hapu should be reflected in the decision by the Board of Enquiry as some of them are mandated representatives of marae clusters with environmental or cultural issues such as this. These committees include but are not limited to Ngati Naho Incorporated Society, Nga Muka Development Trust, Waahi Whaanui Trust, Ngati Haua, Ngati Paoa, Nga Iwi Toopu o Waipa, Ngati Tamaoho, Ngati Makirangi and Ngati Wairere.

WRTCL Preferred Options and order of preference to meet electricity demands for the National Grid Upgrade

As stated in a draft issues paper sent to Transpower on the 19th of April 2005, WRTCL do not approve of the Notice of Requirement. The following is our issues and preferences:

1. Issues brief

The preferred route for the North Island Grid Upgrade poses many uncertain issues such as;

- Desecration of koiwi;
- Destruction of culturally significant land which are still unidentifiable at present;
- Close proximity to Urupa and Marae;
- Unforeseen future issues such as health effects;
- Limiting expansion of marae papakainga
- Construction and operating disturbances that may affect marae tikanga such as power line humming during Tangi;

- and Right of First Refusal issues as stated in the Waikato Deed of Settlement and Outstanding Claim Issues for WRTCL (in particular the Maramarua Ranges and Waikato River).

2. *Existing Lines*

Should it be found that the alternatives in 1. are not feasible we would then prefer that the existing lines be utilized. This means that new power line are not placed alongside of the existing lines, but that the existing lines are either used to hold the proposed transmission lines.

3. *Transpower's preferred route*

Should Transpower proceed with the construction of new power lines then they should follow the **existing** route.

With the construction of any power lines in Waikato, the following matters must be adhered to, they are;

a) **Urupa (cemetery)**

Each marae that is affected by the proposal has an urupä. Transpower must avoid the urupa and its immediate surroundings at all costs.

These are the resting places of our tipuna (deceased ancestors), family and friends who played significant roles in the development of our haapu and marae. There is no way to mitigate the effects of soil disturbance, powerline construction and continual "humming" during tangi services, possible grave subsidence caused from earthworks and vibration.

b) **Marae zones**

Marae zones are noted in the Waikato District Plan. The purpose of this zone is to be flexible and encourage the development of the marae through papakainga housing or whatever the marae deems as the best way forward to benefit it's people. Therefore, surrounding land could potentially affect the development of marae if the surrounding land has a powerline on it. Transpower must avoid marae zones.

c) Discovery of Koiwi and artifacts

With the increasing amount of development within the Waikato district, it is becoming more common to discover koiwi and historical artefacts. Therefore we would request that Transpower adopt the WRTCL policy on Koiwi discovery as developed by the tribe and ratified by our Kaumatua.

Unfortunately we cannot specifically identify the areas where Koiwi may be found as this entire land was occupied at one time or another by our people. Therefore, our next best option is to ensure the safety of each discovery and that the local people involved in that unearthing. Some of this information can be gathered from the NZ Archaeological Association Site file keeper at the Department of Conservation based in Hamilton Area Office. Information should be gathered to ensure these sites are not disturbed and/or the appropriate ceremony is performed by local marae Kaumatua to ensure its protection and safety.

d) Areas of cultural significance

Areas of significance to Waikato-Tainui are areas which have a physical/spiritual purpose for our tribe such as the healing powers of the Waikato River and its tributaries, underground aquifers, mountains and land that hold the bones of our ancestors, areas of historical significance such as the battles in Maramarua, Rangiriri, the placing of a Tainui Waka paddle at Te Hoe-o-Tainui, the historical significance of Maungatautari to our whanau in Raukawa and many more issues that are specific to marae.

The issue here is that there are many areas of significance not only to the tribe as a whole, but also to the many marae whom make up our waka. It may take time, but WRTCL ask that the Board of Enquiry provide a condition in the Resource Consents requested by Transpower to provide the resources, opportunity and respect of information to ensure to our marae to identify and for Transpower to avoid these areas of significance.

e) Areas concerning the Waikato-Tainui outstanding claims

At present Waikato-Tainui is currently progressing our outstanding claims and have just recently had the Deed of Mandate approved by the Crown and Office of Treaty Settlements. Our co-negotiators to progress this settlement are Tukoroirangi Morgan and Lady Raiha Mahuta on behalf of the Waikato Raupatu Trustee Company Limited and its beneficiaries.

The outstanding claims include the Waikato River, Maioro and Wairoa landblocks and the West coast harbours being Aotea, Kawhia and Whaingaroa. We seek a Treaty of Waitangi review clause within any consent granted to Transpower which would align the consent order to any future settlement.

THE WRTCL SEEKS THE FOLLOWING DECISIONS AND CONDITIONS FROM THE BOARD OF ENQUIRY.

1. Condition:

Waikato-Tainui recommends that the following river claim condition to be inserted into the resource consents;

“Within 12 months of the Crown settling any claim made under the provisions of the Treaty of Waitangi Act (1975) WRC may, following service of notice on the consent holder, commence a review of the conditions of this consent pursuant to section 128(1)(a) of the RMA, for the purpose of ensuring that this consent is in alignment with the provisions of any such settled claim.”

2. Condition:

Transpower contacts WRTCL in the first instance upon any discovery of an artifact/koiwi/significant site must and cease work in the immediate vicinity of that artifact/koiwi/significant site until the appropriate cultural procedure has been undertaken based on direction by Waikato-Tainui.

3. Condition:

Transpower develop no closer than existing power line proximity to all Marae. Waikato-Tainui would prefer that the power lines are moved further away from all marae, but this condition should be atleast the minimum.

4. Decision:

The Board of Enquiry supports the conditions provided by Waikato-Tainui and conditions developed and provided in submissions by all Marae.

CONCLUSION

The Environment Unit will continue to be involved to assure our tribal beneficiaries that we are trying to protect the historical, spiritual, economic and cultural interests of our tribe. Also to ensure that all affected Marae and haapu have the opportunity to participate in a fair process of consultation, mitigation and if need be, compensation for the effects this proposal may have on their ability to fulfill their obligations as a marae for affiliating members.

The WRTCL directs the Board of Enquiry to act on the recommendations as outlined in this submission and other concerns as raised by Marae and Haapu. Please do not hesitate to contact WRTCL to personally discuss these matters of importance.

Kia ora mai

Julian Williams
WRTCL Environment & Claims Officer

Ph: (07) 824 5640
Mobile: 021 379 310
E-mail: julianw@tainui.co.nz