

25 May 2017

Otorohanga District Council
c/- Rice Resources
PO Box 431
Waikato Mail Centre
Hamilton 3240

RECEIVED ON

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Tēnā koutou,

NOTICE OF REQUIREMENT – MINISTER OF CORRECTIONS – WAIKERIA PRISON EXPANSION PROJECT

1. INTRODUCTION

- 1.1 The Raukawa Charitable Trust (the **Trust**) has received a copy of the notice of requirement from the Minister of Corrections to Otorohanga District Council (the **Council**) for an alteration to designation D55 in the Otorohanga District Plan for the construction operation and maintenance of facilities and infrastructure to accommodate up to 3000 prisoners at Waikeria Prison. The assessment and conclusions below are the Trust's submission on the notice of requirement.
- 1.2 The Trust's comments are based on the implications of the proposal as it relates to the Raukawa takiwā, the health and wellbeing of the Waikato River, as well as the environmental, social, and cultural interests and aspirations described in relevant statutory documentation. The Trust seeks to have its views recognised and provided for as part of the decision making process.

2. RAUKAWA

- 2.1 Raukawa is a large iwi associated with significant areas of interest and association in the central north island that is rich in natural and cultural heritage. The Raukawa takiwā is represented by four traditional rohe: Te Pae O Raukawa, Wharepūhanga, Maungatautari and Te Kaokaoroa O Pātetere. These four areas include Mōkai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putāruru, Tirau, Tapapa, Matamata, Kēmureti, Kihikihi and Te Awamutu.
- 2.2 The Raukawa Settlement Trust (RST) represents 16 marae and was formed in 2009. RST is the post settlement governance entity which received and manages settlement assets. The Trust represents Raukawa as the iwi authority for resource management purposes. RST has delegated responsibility for the management of environmental and resource management activities to the Trust.
- 2.3 The Crown has acknowledged the relationship between Raukawa and the Waikato and Waipā Rivers through the signing of the Deed in Relation to a Co-Management Framework for the Waikato River in December 2009, the enactment of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the signing of the Raukawa Deed of Settlement of Historic Claims in June 2012, the

signing of the Supplementary Deed to the Raukawa Deed of Settlement in June 2013, and the enactment of the Raukawa Claims Settlement Act 2014.

3. WHAREPŪHUNGA ROHE

- 3.1 Waikeria Prison is located in the Wharepūhunga rohe. Raukawa have a long association with the whenua and awa of Wharepūhunga. It is of particular significance as it is one of the pou whenua that signify the ancestral lands of the iwi. As a child Raukawa was raised in the area and his subsequent descendants maintained their ahikaroa to the rohe.
- 3.2 The Wharepūhunga block has a number of water-ways that are important to Raukawa including the Pūniu River and its tributaries, over which Raukawa have a statutory acknowledgement. Settlements active in the mid to late nineteenth century included Wharepapa, found to the east of the bush-covered peak Taurangakohu, near the Mangatutu Stream.
- 3.3 There are four Raukawa Marae located within the Wharepūhunga rohe: Whakamārama, Pārāwera, Rāwhitiroa/Owairaka, and Aotearoa. Whakamārama, Pārāwera, and Rāwhitiroa/Owairaka are located within 6km of the prison. Part of the land the prison occupies was Raukawa land, which was confiscated under the Public Works Act 1981 for a reformatory farm in the early 20th Century. A number of sites of cultural significance are located within the designation boundary.

4. RAUKAWA POSITION

- 4.1 The Trust has engaged and continues to engage with the Minister and Department of Corrections on the regulatory and policy environment which has resulted in increases in the prison population and high rates of Māori imprisonment. In addition, the Trust has engaged and continues to engage with the Department of Corrections specifically on the Waikeria Prison Expansion Project.
- 4.2 While the Trust does not support an increasing prison population, the Trust recognises that current imprisonment levels necessitate the Waikeria Prison Expansion Project. However, the Trust considers that the designation should only be confirmed subject to conditions that address the adverse cultural and environmental effects of the designation.
- 4.3 In particular the Trust seeks that:
- Wastewater discharges to the Waikeria Stream/Pūniu River cease and wastewater is reticulated to the Te Awamutu wastewater treatment plant;
 - Culturally significant sites and wahi tapu within the designation are protected;
 - Māori design principals are incorporated into the prison expansion design;
 - A protocol is established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project;
 - A forum is established for continued liaison with Raukawa and other iwi;
 - Raukawa are involved in any renaming of the site;
 - Stream and wetland restoration, including pest control, is undertaken;
 - An accidental discovery protocol is in place during all earthworks;
 - Contaminated sites within the building platform are remediated;
 - A riparian revegetation plan, including pest control, be prepared and then implemented as part of the prison farm operations;

- 4.4 The Trust looks forward to continued engagement with the Department of Corrections on the project and to discussing with the Department and Council how to best address these matters. This submission is made to ensure the Trust's views are recognised in the statutory notice of requirement process. It does not detract from the ongoing relationship of the Trust with the Minister and Department of Correction.

5. STATUTORY CONSIDERATIONS

TE TURE WHAIMANA O TE AWA O WAIKATO – VISION AND STRATEGY FOR THE WAIKATO AND WAIPĀ RIVERS

- 5.1 Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana) is the primary direction setting document for the Waikato and Waipā Rivers and activities within the catchment affecting the rivers. The area that Te Ture Whaimana applies to is the Waikato River from Huka Falls to Te Puuaha o Waikato and the length of the Waipā River to its junction with the Waikato River.
- 5.2 Te Ture Whaimana has the status of a national policy statement and prevails over any inconsistent provision in any other national policy statement, national environmental standard, or water conservation order developed under the RMA. It is a matter that Council must have particular regard to under section 171(1) of the Resource Management Act 1991 (the RMA) when considering the notice of requirement.
- 5.3 Te Ture Whaimana sets out a suite of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers for current and future generations. Of particular relevance are the following objectives:
- *“Objective A - The restoration and protection of the health and wellbeing of the Waikato River.*
 - *Objective 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.*
 - *Objective E - The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
 - *Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
 - *Objective 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.”*

TE RAUTAKI TAIAO A RAUKAWA – RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

- 5.4 Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan (**Te Rautaki Taiao**) is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. It has been prepared by the Trust on behalf of ngā uri o Raukawa.
- 5.5 The overall purpose of Te Rautaki Taiao is two-fold. Firstly, it provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. Secondly, it is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape current and future policy, planning processes, and resource management decisions.

- 5.6 The sections of Te Rautaki Taiao considered to be most relevant to this application are Section 2.1 Water - Wai, Section 2.2 Land – Whenua and Section 2.5 Cultural Landscapes and Taonga - Ngā Wāhi Tūturu me ngā Taonga Tuku Iho. Some of the relevant provisions and objectives and methods from these sections are set out below. The Trust seeks that Te Rautaki Taiao and the specific provisions above be considered and addressed as part of this application as a relevant matter under section 171(1)(d) of the RMA.
- 5.7 Section 2.1 emphasises that Raukawa consider that water is not separate from people, is not separate from its surrounds. It cannot be separated, or assessed in isolation, from the environment as a total entity.
- 5.8 Raukawa regard all water as a connected and living entity, including: constituent parts (i.e. surface, banks, bed, flood plains etc), intrinsic values, and meta-physical being. Freshwater is essential to the physical, social, cultural, environmental, and economic wellbeing of Raukawa. The Raukawa rivers, groundwater, lakes, and wetlands have provided our people with food, spiritual nourishment, cleansing, modes of transport, and communication as well as medicinal, building, and weaving materials.
- 5.9 Water is a sensitive and complex taonga that Raukawa has a duty to respect, protect, and restore. Raukawa mana whakahaere is balanced by the inherent responsibilities that come as guardians of waterbodies. This places the expectation that each generation will leave the waterbodies in a healthy and balanced state for future generations.
- 5.10 The objectives of Section 2.1 are that:
- *The mana and mauri of water is safeguarded for present and future generations.*
 - *The Raukawa kaitiaki relationship with our waters is respected, enhanced, and supported.*
 - *The health and wellbeing of the Waikato, Te Waihou, and the Upper Waipā River and their catchments are restored and protected.*
- 5.11 Section 2.2 of Te Rautaki Taiao addresses Land – Whenua. The objectives for land are that:
- *The whenua across our takiwā is healthy and resilient.*
 - *Our relationship with Papa-tū-ā-nuku is reflected both in her health and ours.*
 - *Land use activities align with land use capability to protect long term soil health.*
 - *Sustainable farming reduces environmental footprint whilst optimising profit.*

STATUTORY ACKNOWLEDGEMENT - PŪNIU RIVER AND TRIBUTARIES

- 5.12 Raukawa have a special relationship with the Pūniu Awa and its tributaries, particularly that part of the awa located in the Wharepūhunga Block. This includes the source of the Pūniu and tributaries such as the Mangatutu. This relationship has been recognised by the Crown by means of a Statutory Acknowledgment in the Raukawa Claims Settlement Act 2014.
- 5.13 For over 600 years, Raukawa have held that the mauri of the Pūniu Awa and the mauri of Raukawa are inextricably linked. The Pūniu Awa is a taonga to Raukawa. It is a whole and indivisible entity that flows from the punawai (source) of the Pūniu to Te Puaha o Pūniu (the mouth) and includes its water, banks, beds (and all minerals under them), and its streams, waterbodies, tributaries, lakes, aquatic life,

vegetation, flood plains, wetlands, islands, springs, water column, geothermal aspects, airspace and substratum as well as its metaphysical elements.

- 5.14 As tangata whenua within a region that the awa flows, the relationship Raukawa have with the awa is paramount. It includes the enhancement of tribal mana but also gives rise to the responsibilities to protect the awa, its mana and mauri. These responsibilities are woven within the customary assertion of mana whakahaere, which is encompassed within long established kawa and tikanga.
- 5.15 Raukawa continue to exercise customary rights and the responsibilities of kaitiakitanga in relation to the Pūniu Awa within the Raukawa rohe. The awa has provided a source of spiritual, cultural, social, and physical sustenance for the Raukawa people, and in turn, the role of kaitiaki embraces respect and an inter-generational responsibility.
- 5.16 In accordance with the principles of ahikāroa, many Raukawa marae and hapū are still located near the Pūniu Awa, including the Ngāti Puehutore marae of Whakamārama, the Ngāti Takihiu marae of Rāwhitiroa which sits at the confluence of the Ōwairaka stream and Pūniu Awa, the Ngāti Kiriupokoiti marae of Aotearoa and the Ngāti Werakoko marae of Pārāwera.
- 5.17 The Trust seeks that this statutory acknowledgement is considered and addressed as a relevant matter under section 171(1)(d) of the RMA.

6. ASSESSMENT OF PROPOSAL

- 6.1 The proposal is to amend the existing Waikeria Prison designation in the Otorohanga District Plan, which limits prisoner numbers to 1250, to provide for the construction, operation and maintenance of facilities to accommodate up to 3000 prisoners at Waikeria Prison.
- 6.2 Current facilities at the prison can accommodate approximately 650 prisoners. The Department of Corrections proposes the construction of a new facility for 2000 male prisoners with a commensurate upgrade in supporting infrastructure and facilities. It is proposed to leave a reserve capacity for 350 prisoners should that be required. The new facility will be designed, built and maintained by the private sector.
- 6.3 The Department of Corrections has issued a set of design parameters for the prison. It is considered that a number of these design parameters form key matters for inclusion as conditions of the designation.
- 6.4 The disposal of wastewater is one of these key matters. The current wastewater system discharges to the Mangatutu Stream after treatment. The Department of Corrections proposes that discharge to the Mangatutu Stream cease and that all wastewater from the site be piped to the Te Awamutu municipal system for treatment.
- 6.5 The Trust supports this solution as means of assisting in the achievement of the objectives of Te Ture Whaimana and Te Rautaki Taiao to restore and protect the health and wellbeing of the Waikato and Waipa Awa. The Trust seeks that the treatment of all wastewater from the Waikeria Prison facility by Te Awamutu Wastewater Treatment Plant be ensured as condition of the designation.
- 6.6 The cultural impact statement for the notice of requirement acknowledges Raukawa have mana whenua status in regard to the site. It identifies that part of the site was taken from Raukawa under

the Public Works Act, that four sites of cultural significance are known to exist within the designation area, and that there may be other culturally significant sites on the property. It also identifies that adverse effects arose from the original confiscation of the land but states that no further adverse effects arise from this as no further confiscation is proposed.

- 6.7 The Trust considers that the ongoing use of the confiscated land for a prison and the intensification and expansion of that use does give rise to ongoing adverse effects. The assessment of environmental effects and supporting documents identifies that the original ecology of the land and waterbodies has been degraded and largely lost although some remnant vegetation, habits and wetlands remain. This degradation and loss has adversely effected the Raukawa relationship with these taonga.
- 6.8 In order to address the Raukawa relationship with the lands, waters and taonga of the sites and the adverse effect of the proposal on that relationship the notice of requirement proposes a number of mitigating actions including that:
- Culturally significant sites and wahi tapu within the designation be protected. This includes the ongoing investigation of sites not yet identified to Corrections and Council. This includes the ongoing implementation of the Wahi Tapu Protocol with Te Kaumātua Rōpū O Waikeria.
 - Māori design principals be incorporated into the design parameters for the prison expansion.
 - A protocol be established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project such as; turning the first sod, start of works, completion of buildings, occupation of the buildings.
 - An appropriate forum be established for continued liaison with Raukawa and other iwi.
 - Raukawa be involved in any renaming of the site.
 - Stream and wetland restoration, including pest control, be undertaken in mitigation for the loss of wetlands/streams in the building zone.
 - An accidental discovery protocol be in place during all earthworks.
 - Contaminated sites within the building platform be remediated.
- 6.9 The Trust supports the above measures and seeks that these measures form part of the conditions for the designation. In regards to a forum for continued liaison with Raukawa and other iwi the Trust acknowledges the work and value of Te Kaumātua Rōpū O Waikeria. The Trust seeks that in the establishment of a forum for liaison with iwi the respective role of that forum and the rōpū be acknowledged.
- 6.10 However, the Trust considers that additional mitigation is required to further assist in mitigation of adverse effects and the restoration and protection of the health of the awa and whenua. The Trust seeks that a riparian revegetation programme, including pest control, be developed for the site and undertaken as part of the prison operations. The Trust understands that this consist with Department of Corrections plans to establish a native plant nursery on the site.

7. CONCLUSIONS

- 7.1 Based on the assessment above the Trust considers that the notice of requirement only be confirmed subject to conditions that ensure:
- Wastewater discharges to the Waikeria Stream/Pūniu River cease and wastewater is reticulated to the Te Awamutu treatment plant;
 - Culturally significant sites and wahi tapu within the designation are protected. This includes the ongoing investigation of sites not yet identified to Corrections and Council as well as the ongoing implementation of the Wahi Tapu Protocol with Te Kaumātua Rōpū O Waikeria;

- Māori design principals are incorporated into the design parameters for the prison expansion;
- A protocol is established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project such as; turning the first sod, start of works, completion of buildings, occupation of the buildings;
- An appropriate forum is established for continued liaison with Raukawa and other iwi;
- Raukawa are involved in any renaming of the site;
- Stream and wetland restoration, including pest control, is undertaken in mitigation for the loss of wetlands/streams in the building zone;
- An accidental discovery protocol is in place during all earthworks;
- Contaminated sites within the building platform are remediated;
- A riparian revegetation plan, including pest control, is prepared and then implemented as part of the prison farm operations.

7.2 The Trust looks forward to working with Department of Corrections and Council to resolve the Trust's concerns.

If you have any questions or queries concerning this submission, please contact Dave Marshall, Senior Planner, Pūtake Taiao at dave.marshall@raukawa.org.nz.

Nāku noa, na



Vanessa Eparaima
Chair
Raukawa Settlement Trust

cc. Minister of Corrections
C/- Boffa Miskell Ltd
PO Box 91250
Auckland 1142