

UNDER

the Resource Management Act 1991 ("RMA" or "the Act")

AND

IN THE MATTER

of a further submission by **NGĀTI TE ATA** in relation to various submissions on Variation 3 to the Proposed Waikato District Plan pursuant to Schedule 1, clause 8 of the RMA

FURTHER SUBMISSION BY NGĀTI TE ATA ON VARIATION 3 TO THE PROPOSED WAIKATO DISTRICT PLAN

TO: Waikato District Council
Private Bag 544
Ngāruawāhia 3742

NAME OF SUBMITTER: Ngāti Te Ata

1. INTRODUCTION

- 1.1 This is a further submission on Variation 3 to the Proposed Waikato District Plan ("Variation 3").
- 1.2 Ngāti Te Ata are one of the Northern Waikato iwi. Within the wider landscape of Tāmaki Makaurau (Auckland) lay the settlements of the Te Waiohua people (the original inhabitants). Members of the Tainui waka settled around the isthmus and began to intermarry with the ancestors of Te Waiohua. It was through this intermarriage and the development of other bonds between the people that settlement established.
- 1.3 Ngāti Te Ata descend from both Waiohua (Tāmaki Makaurau) and Waikato (Tainui). As the descendants (current generation), Ngāti Te Ata are kaitiaki and have inherent responsibilities to ensure that they protect and preserve its taonga for future generations.

- 1.4 For Ngāti Te Ata, Pōkeno’s rural backdrop forms part of Pōkeno’s cultural landscape, embedded with identity, meaning and significance. Intensive development along this rural backdrop, particularly within the ‘Havelock site’ in South Pōkeno, is inappropriate and will adversely impact upon the cultural integrity and values of the landscape and Ngāti Te Ata’s traditional and spiritual relationship to the Pōkeno cultural landscape footprint.

Late submission

- 1.5 Ngāti Te Ata is a party to the appeals by Havelock Village Limited, Hynds Pipe Systems and the Hynds Foundation and others concerning the zoning and precinct provisions applying to the Havelock precinct in South Pōkeno.
- 1.6 Ngāti Te Ata had anticipated that the planning provisions that apply to the Havelock Precinct would be determined by the Environment Court in respect of the Appeals.
- 1.7 Ngāti Te Ata has been made aware of the outcomes of the initial strategic hearing for Variation 3 which occurred on 14 – 17 February 2023 at which Waikato District Council (WDC) indicated that recent amendments to the RMA mean that decision making on precinct provisions which concern height and density will be addressed in Variation 3 and the Environment Court may not have jurisdiction to address those matters.
- 1.8 Ngāti Te Ata understands that WDC has suggested that parties to the appeals who are not parties to Variation 3 may wish to lodge late further submissions and that WDC will not oppose any such late further submissions.¹
- 1.9 Height and density of development are of particular concern to Ngāti Te Ata because of the impact of urban development on the cultural values of the landscape. Ngāti Te Ata therefore wishes to lodge a late further submission.

2. NGĀTI TE ATA’S FURTHER SUBMISSION

- 2.1 Ngāti Te Ata has standing to lodge this further submission on the grounds that it has an interest in Variation 3 that is greater than the interest the general public has, for the reasons set out in paragraphs 1.2 to 1.4 above.
- 2.2 The particular parts of the original submissions on Variation 3 that Ngāti Te Ata supports or opposes, and the reasons for this support or opposition, are set out in the table attached as **Appendix 1**.

1 Memorandum of counsel for Waikato District Council, 23 February 2023, paragraph 45.

- 2.3 Ngāti Te Ata wishes to be heard in support of its submission.
- 2.4 If others make a similar submission, Ngāti Te Ata will consider presenting a joint case with them.

DATED at Auckland this 5th day of March 2023

A handwritten signature in blue ink that reads "K. Flavell". The signature is written in a cursive style with a large initial 'K'.

Karl Flavell
Manager Te Taiao
Ngāti Te Ata

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2340

APPENDIX 1: FURTHER SUBMISSION AND RELIEF SOUGHT BY NGĀTI TE ATA

Name of original submitter	Address of original submitter	Original Submitter number	Original submission point number/s	Support or Oppose	Reasons for my support or opposition are	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed)
Waka Kotahi	Waka Kotahi NZ Transport Agency c/- Mike Wood PO Box 973 Waikato Mail Centre Hamilton 3240 New Zealand	29	<u>29.3</u> Evaluate the additional option of providing for increased density in the four towns and make any consequential changes.	Oppose in part	Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due of its high cultural value.	Reject in part submission point 29.3.
Lisa and Michael Grath	63 Helenslee Road Pōkeno	33	<u>33.1</u> Retain GRZ in Pōkeno	Support in part	<ul style="list-style-type: none"> • Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals referred to in the body of this submission. • Ngāti Te Ata therefore supports this relief to the extent that it seeks that the MDRS not be applied to Pōkeno's rural backdrop. 	Accept submission point 33.1 to the extent it seeks to limit the application of the MDRS throughout Pōkeno's rural backdrop.
Tuurangawaewae Marae	43 Herschel Street Ngāruawāhia	35	<u>35.2</u> Retain GRZ for its intended purpose	Support in part	<ul style="list-style-type: none"> • Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals referred to in the body of this submission. 	Accept submission point 35.2 to the extent it seeks to limit the application of the MDRS throughout Pōkeno's rural backdrop.

					<ul style="list-style-type: none"> Ngāti Te Ata therefore supports this relief to the extent that it seeks that the MDRS not be applied to Pōkeno's rural backdrop. 	
Pōkeno Community Committee	6 McNeish Place Pōkeno	41	<u>41.2</u> Add Pōkeno Special Character as a qualifying matter in MRZ2-P6.	Support in part	Ngāti Te Ata supports the implementation of provisions which recognise the special characteristics and high cultural importance of Pōkeno's rural backdrop and the inappropriateness of enabling intensive urban development with this rural backdrop, particularly on the 'Havelock site'.	Accept submission point 41.2 to the extent it seeks to appropriately limit the application of the MDRS throughout Pōkeno's rural backdrop.
Synlait Milk Ltd	Locality Ltd c/- Nicola Rykers Private Bag 806 Ashburton	46	<u>46.1</u> Retain the Pōkeno planning map as notified, in particular the retention of the General Residential Zoning as shown on the Planning Map. Submission opposes any change from General Residential to Medium Residential Zone 1 or Medium Residential Zone 2 on land adjoining or in proximity of the Heavy Industrial Zone.	Support in Part	<ul style="list-style-type: none"> Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals referred to in the body of this submission. Ngāti Te Ata therefore supports this relief to the extent that it seeks that the MDRS not be applied to Pōkeno's rural backdrop. Ngāti Te Ata agrees that it is not appropriate to locate Medium Density Residential Zone 2 in proximity to the Heavy Industry Zone, particularly where the land forms part of Pōkeno's rural backdrop. 	Accept submission point 46.1 to the extent it seeks to appropriately limit the application of the MDRS throughout Pōkeno's rural backdrop.

Ministry of Housing and Urban Development	Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development c/- Fiona McCarthy PO Box 82 Wellington 6140	50	<u>50.1</u> Delete the urban fringe qualifying matter and apply the MDRS as required by the RMA across the relevant residential zones. AND Amend to apply the MDRS to all relevant residential zones.	Oppose	<ul style="list-style-type: none"> Ngāti Te Ata supports the intent of the Urban Fringe qualifying matter. Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high cultural value. It is appropriate for a site-specific assessment to be undertaken in relation to Pōkeno's rural backdrop, particularly the 'Havelock site', for appropriate qualifying matters. 	Reject submission point 50.1.
Patricia (Trish) Savage	5 Galston Court Pōkeno	74	<u>74.1</u> Amend the restricted area in Pōkeno that the MDRS has been applied to and focus on areas in Pōkeno that are yet to be developed rather than areas that currently have housing with existing covenants.	Oppose	<ul style="list-style-type: none"> Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high cultural value. 	Reject submission point 74.1.
CSL Trust	Peter Fuller Quay Chambers Level 7, 2 Commerce Street PO Box 106215 Auckland 1143	82	<u>82.1</u> Amend to apply the MDRS to all residential land within urban environments of	Oppose in part	<ul style="list-style-type: none"> Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high cultural value. 	Reject submission point 82.1 in part.

			the District, subject to any legitimate qualifying matters. This would apply to Pōkeno, Tuakau, Huntly and Ngāruawāhia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as GRZ 2 or similar.		<ul style="list-style-type: none"> It is appropriate for a site-specific assessment to be undertaken in relation to Pōkeno's rural backdrop, particularly the 'Havelock site', for appropriate qualifying matters. 	
Brenda Roberts	16 Ford Street Pōkeno	88	<u>88.1</u> Amend the proposal to make existing GRZ to Medium Density Residential Zone 2.	Oppose	<ul style="list-style-type: none"> Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals referred to in the body of this submission. Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high cultural value. Ngāti Te Ata therefore opposes this relief on the basis that it seeks that the MDRS be applied to Pōkeno's rural backdrop. 	Reject submission point 88.1.
Havelock Village Limited	Buddle Findlay PO Box 1433 Auckland 1140 Attention: Vanessa Evitt	105	<u>105.1</u> Amend to apply the MDRS to all residential land within urban	Oppose in part	<ul style="list-style-type: none"> Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly 	Reject submission point 105.1.

			environments of the District, subject to any legitimate qualifying matters. This would apply to Pōkeno, Tuakau, Huntly and Ngāruawāhia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as GRZ 2 or similar.		<p>on the 'Havelock site', due to its high cultural value.</p> <ul style="list-style-type: none"> It is appropriate for a site-specific assessment to be undertaken in relation to Pōkeno's rural backdrop, particularly the 'Havelock site', for appropriate qualifying matters. 	
Kāinga Ora	Kāinga Ora - Homes and Communities PO Box 74598 Greenlane, Auckland 1051	106	<p><u>106.8</u> Delete the "urban fringe" qualifying matter. AND Apply the proposed Medium Density Residential Zone 2 (which contains the MDRS standards) to the spatial extent of the GRZ in its entirety within Huntly, Ngāruawāhia, Pōkeno and Tuakau.</p>	Oppose	<ul style="list-style-type: none"> Ngāti Te Ata supports the intent of the Urban Fringe qualifying matter. It is appropriate for a site-specific assessment to be undertaken in relation to Pōkeno's rural backdrop, particularly the 'Havelock site', for appropriate qualifying matters. Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals, referred to in the body of this submission. Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high 	Reject submission point 106.8.

					cultural value. Ngāti Te Ata therefore opposes this relief on the basis that it seeks that the MDRS be applied to Pōkeno's rural backdrop.	
			<p><u>106.25</u> Amend the zoning of the GRZ sites in Huntly, Ngāruawāhia, Pōkeno, and Tuakau to Medium Density Residential zone 2 zone. AND Amend the zoning so that GRZ is only applied in areas that are not defined as 'urban environments' under the Housing Supply Act, with the exception of Raglan and Te Kauwhata.</p>	Oppose	<ul style="list-style-type: none"> Ngāti Te Ata considers that the most appropriate zoning for Pōkeno's rural backdrop is 'Rural zone', as reflected in Ngāti Te Ata's section 274 notices to the PDP appeals identified in the body of this submission. Ngāti Te Ata considers that it is not appropriate for intensive urban development to be enabled within Pōkeno's rural backdrop, particularly on the 'Havelock site', due to its high cultural value. Ngāti Te Ata therefore opposes this relief on the basis that it seeks that the MDRS be applied to Pōkeno's rural backdrop. 	Reject submission point 106.25.