



**Proposed Waikato District Plan
Enabling Housing Supply Variation 3
to the Proposed Waikato District Plan
Submission form**

ECM Project: PDP2022V003-03
ECM #
Submission # **114**.....
Customer #
Property #

RMA Form 5

Closing date for submissions: 5pm on Friday 28 October 2022


Submitter details: (please note that the (*) are required fields and must be completed)

Name of submitter*:	
Contact person for communications*:	
Agent (if applicable):	
Postal address*:	
Suburb:	Town/City*:
Country:	Postal code*:
Daytime phone:	Mobile:
Email address for submitter*: Email address for agent (if applicable):	
Please tick your preferred method of contact* <input type="checkbox"/> Email <input type="checkbox"/> Postal	Correspondence to* <input type="checkbox"/> Submitter <input type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects*: <input type="checkbox"/> I could <input type="checkbox"/> I could not gain an advantage in trade competition through this submission. Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991	
Would you like to present your submission in person at a hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No If others make a similar submission I will consider presenting a joint case with them at the hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

<p>The specific provisions of the proposal that my submission relates to e.g provision number, map or natural hazard area</p>	<p>Do you:</p> <ul style="list-style-type: none"> • Support? • Oppose? • Amend? 	<p>What decision are you seeking from Council?</p> <p>What action would you like:</p> <ul style="list-style-type: none"> • Retain? • Amend? • Add? • Delete? 	<p>Reasons</p>
<p>e.g. SUB-RI Subdivision - general</p>	<p>e.g Support</p>	<p>e.g Retain rule SUB-RI</p>	<p>e.g Subdivision should be allowed for</p>

Please return this form **no later than 5pm on Friday 28 October 2022** to:
 Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waidc.govt.nz

Signed:  Date: 22 November 2022
 (A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this variation, and may be made publicly available.



**SUBMISSION TO
WAIKATO DISTRICT COUNCIL ON
VARIATION 3 TO THE PROPOSED WAIKATO
DISTRICT PLAN**

22 NOVEMBER 2022

This submission is filed for Waikato-Tainui by:

Te Whakakitenga o Waikato Incorporated

PO Box 648

Hamilton 3240

INTRODUCTION

1. We first acknowledge the effort and time Waikato District Council staff have put into preparing this plan change and the efforts taken to engage with Waikato-Tainui as set out in the Section 32 report.
2. This submission is made on behalf of Te Whakakitenga o Waikato Incorporated (Formerly known as Waikato-Tainui Te Kauhanganui Incorporated). Specific submission points on the plan change are contained in Table 1.
3. Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) is the governing body for the 33 hapuu and 68 marae of Waikato and manages the tribal assets for the benefit of over 78,000 registered Tribal members.
4. Waikato-Tainui provides this submission to Variation 3 – Enabling Housing on behalf of our hapuu and iwi members.
5. Waikato-Tainui supports iwi and hapuu to provide their own submissions on Variation 3.

BACKGROUND TO WAIKATO-TAINUI

6. Waikato-Tainui marae are kaitiaki of their environment and regard the holistic integrated management of all elements of the environment (such as flora, fauna, land, air and water) with utmost importance.
7. Waikato-Tainui are tangata whenua and exercise mana whakahaere within our rohe (tribal region). Our tribal rohe is bounded by Auckland in the north and Te Rohe Potae (King Country) in the south and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast harbours of Whaaingaroa (Raglan), Manukau, Aotea and Kawhia moana, the eastern areas of Tikapa Moana (Firth of Thames), and principally, New Zealand's longest river, Te Awa o Waikato.
8. We acknowledge and affirm the intrinsic relationship of Waikato-Tainui with our natural environment.

TE AWA O WAIKATO

9. To Waikato-Tainui, water has the ability to create and sustain life. It is no coincidence that Waikato-Tainui marae were established alongside or near water bodies. Water is

required to sustain the functions of the marae, hapuu, and the people. The significance of water to Waikato-Tainui is immeasurable and the respect taangata whenua has for it is demonstrated by the manner and purposes for which it is used and handled. This includes certain waters being used only for bathing, blessings, healing, spiritual cleansing, gathering kai, and waters that are totally excluded from use for cultural reasons.

10. The regard that Waikato-Tainui has for the Waikato River cannot be understated. Historically, through tikanga and kawa, Waikato-Tainui learned how to manage water bodies to ensure their capacity to sustain the tribe. Over many generations, successive governments, and the development of plans and policies that dictate the management of all water bodies, the ability of Waikato-Tainui to actively manage its waters diminished. For Waikato-Tainui, the relationship between the tribe and its waters has been weakened due to the following matters:

- (a) Land confiscation;
- (b) Lack of recognition of taangata whenua values in local policy;
- (c) Limited representation of taangata whenua at a governance level;
- (d) Economic objectives overriding cultural, spiritual and environmental aspirations;
- (e) The ability to physically access water bodies has diminished;
- (f) Poor water quality has diminished the desire to use and enjoy water bodies; and (g) Waikato-Tainui does not have an equitable share of allocable water for economic purposes.

11. Waikato-Tainui entered into a Deed of Settlement regarding our Waikato River claim under Te Tiriti o Waitangi in 2008 ("2008 Settlement"). This was followed by the signing of a revised Deed in 2009 and ultimately, enactment of the Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010 ("Settlement Act"). The settlement marked the genesis of the Crown's statutory recognition of Te Mana o te Awa and the establishment of a "co-management" approach between Waikato-Tainui and the Crown regarding matters relating to the Waikato River.

THE RELEVANT PROVISIONS OF THE WAIKATO-TAINUI RAUPATU CLAIMS (WAIKATO RIVER) SETTLEMENT ACT RELATING TO VARIATION 3 TO THE PROPOSED WAIKATO DISTRICT PLAN

12. Section 46 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 provides:

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

46. Preparation, review, change, or variation of Resource Management Act 1991 planning document

(1) This section applies to preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document to the extent to which those processes relate to the vision and strategy.

(2) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must provide—

(a) that, before the preparation, review, change, or variation commences, the local authority and the Trust must convene a joint working party to discuss and recommend to the local authority—

(i) the process to be adopted for the preparation, review, change, or variation; and

(ii) the general form and content of any document to be drafted for the purposes of consultation or notification under clause 5 of Schedule 1 of the Resource Management Act 1991:

(b) that the local authority and the Trust must decide jointly on the final recommendation to the local authority on whether to commence a review of, and whether to make an amendment to, a Resource Management Act 1991 planning document:

(c) that the local authority and the Trust must decide jointly on the final recommendation to a local authority on the content of a Resource Management Act 1991 planning document to be notified under clause 5 of Schedule 1 of the Resource Management Act 1991:

(d) that the local authority and the Trust must discuss the potential for the Trust to participate in making decisions on a Resource Management Act 1991 planning document under clause 10 of Schedule 1 of the Resource Management Act 1991.

(3) The part of the joint management agreement on preparing, reviewing, changing, or varying a Resource Management Act 1991 planning document must also provide a

mechanism for the Trust to participate in processes under Part 2 of Schedule 1 of the Resource Management Act 1991.

(4) The local authority and the Trust each bears its own costs of complying with this section.

(5) Schedule 7 of the Local Government Act 2002 does not apply to the local authority and the Trust when, under the joint management agreement, they carry out the duties and functions or exercise the powers described in this section.

TAI TUMU, TAI PARI, TAI AO – WAIKATO-TAINUI ENVIRONMENTAL MANAGEMENT PLAN

13. The Waikato-Tainui Environmental Management Plan, Tai Tumu, Tai Pari, Tai Ao was designed to enhance Waikato-Tainui participation in resource and environmental management. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Waikato-Tainui aspires to the restoration of the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha.
14. The Plan is also intended as a tool to provide clear, high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe. Waikato-Tainui recognises that the successful achievement of the objectives in this Plan is a team approach that requires input and support from these external agencies. Tai Tumu, Tai Pari, Tai Ao is a relevant planning document recognised by Te Whakakitenga o Waikato as the iwi authority for the purposes of Section 74(2A) Matters to be considered by territorial authority of the Resource Management Act 1991.
15. Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement.

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

16. Te Ture Whaimana is the primary direction setting document for the Waikato River and activities within its catchment affecting the Waikato and Waipaa Rivers. In 2008 Te Ture Whaimana was published and in 2010 the Waikato River Authority was established to oversee Te Ture Whaimana. This legislative document prevails over any inconsistencies in other policies, plans, or processes affecting the Waikato River. Relevant policies, plans, and processes cannot be amended so that they are inconsistent with Te Ture Whaimana and must be reviewed and amended, if required, to address any inconsistencies.
17. Recent plan reviews have sought to incorporate Te Ture Whaimana in planning documents, including maatauranga maaori. This should not be viewed as an optional addition but a key component of any plan review within the Waikato and Waipaa River Catchments.

JOINT MANAGEMENT AGREEMENT

18. Waikato District Council has a Joint Management Agreement with Waikato-Tainui and therefore, has a duty to uphold Te Ture Whaimana and ensure its achievement as a JMA partner. Waikato District Council is required to not only reduce pressure on the river but to restore and protect the health and wellbeing of the awa and achieve betterment in relation to all activities in all areas of the district regardless of the MDRS provisions and qualifying matters.

QUALIFYING MATTER – TE TURE WHAIMANA O TE AWA O WAIKATO

19. Housing intensification, inappropriate subdivisions, use or development of resources has the potential to adversely affect the Waikato River and therefore, fails to give effect to Te Ture Whaimana. Section 77I of the Housing Supply Amendment Act (HSAA) outlines that a specified territorial authority may make Medium Density Residential Standards (and the relevant building height or density requirements under Policy 3 of the NPS-UD) less enabling of development in relation to an area with a relevant zone to the extent necessary to accommodate a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato.

CONCLUSIONS

20. Specific submission points on PC-3 plan provisions are contained in Table 1 below.
21. Waikato-Tainui wish to be heard in support of this submission at any hearing.
22. If other parties make similar submissions, Waikato-Tainui, may be prepared to present a join case at any hearing.
23. Waikato-Tainui could not gain an advantage in trade competition through this submission.

Dated

22 November 2022

TE WHAKAKITENGA O WAIKATO INCOPORATED



Marae Tukere

Tumu Kootuinga (Chief Operating Officer)

Address for service:

Kahurimu Flavell

Kahurimu.flavell@tainui.co.nz

4 Bryce Street

PO BOX 648

Hamilton 3240

Table 1 – Proposed provisions

Provision	Position	Relief Sought	Reasons
Qualifying Matter	Amend	Amend the definition of qualifying matter to include the area surrounding Tuurangawaewae Marae.	<ul style="list-style-type: none"> • Better reflects the significance of the site to Waikato-Tainui and the Kiingitanga. • Whilst not identified in the Proposed District Plan Decisions Version as a Site of Significance, Tuurangawaewae Marae is a site of significance to Waikato-Tainui and the Kiingitanga. • Better reflects the significance of Tuurangawaewae Marae in regards to section 6(e) and 6(f) of the RMA.
MZR2 Explanatory note – Qualifying matter	Amend	Amend the explanatory note to include reference to the area surrounding Tuurangawaewae Marae in the context of a qualifying matter.	<ul style="list-style-type: none"> • Better reflects the significance of the site to Waikato-Tainui and the Kiingitanga. • Whilst not identified in the Proposed District Plan Decisions Version as a Site of Significance, Tuurangawaewae Marae is a site of significance to Waikato-Tainui and the Kiingitanga. • Better reflects the significance of Tuurangawaewae Marae in regards to section 6(e) and 6(f) of the RMA.
MZR2 Explanatory note – Qualifying matter – Te Ture Whaimana	Support	Retain Te Ture Whaimana as qualifying matter.	<ul style="list-style-type: none"> • Appropriately sets out that Te Ture Whaimana o Te Awa o Waikato is a pertinent qualifying matter as set out in the s771(c) of the Resource Management Act 1991.
SD-P2	Amend	Amend policy SD-PD as follows: Apply the MDRS across all relevant residential zones in the district plan except in circumstances where the qualifying matter is relevant	<ul style="list-style-type: none"> • This amendment more clearly sets out that Te Ture Whaimana o Te Awa o Waikato is a pertinent qualifying matter as set out in the s771(c) of the

		(including <u>Te Ture Whaimana o Te Awa o Waikato</u> or other matters of significance such as historic heritage and the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga).	Resource Management Act 1991.
Planning Maps - (Zoning of land surrounding Tuurangawaewae Marae as MRZ2)	Amend	Amend the MRZ2 zoning surrounding Tuurangawaewae Marae being the sites on River Road, Regent Street, Kent Street, George Street, Edward Street, King and Queen Street.	<ul style="list-style-type: none"> • Tuurangawaewae marae should be considered in the context of a qualifying matter given the significance of the site in the context of section 6(e) and 6(f) of the RMA. • Impacts of traffic on River Road on Tuurangawaewae Marae. • The proposed building heights enabled in the MRZ2 Zone would diminish the cultural character of the area. • The proposed building heights of the MRZ2 Zone would visually obstruct Tuurangawaewae whanau views of the marae and possibly the awa. • The multi storey buildings will also add as a distraction to the importance and status of the marae and Kiingitanga. • These areas also include papakaainga and a vast majority of Tuurangawaewae whaanau live in this area who would be affected by the proposed zoning.
MRZ2	Support	Retain the following cross reference located above the MRZ2 purpose statement: 'The relevant district-wide chapter provision apply in addition to this chapter'	<ul style="list-style-type: none"> • Gives necessary reference for plan users to consider and address other chapters.
MRZ2 – purpose statement	Amend	Amend the MRZ2 purposes statement as follows: <ul style="list-style-type: none"> - Provide greater diversity / choice of housing; and 	<ul style="list-style-type: none"> • Better recognises the limitations which have informed the extent of the zone.

		<ul style="list-style-type: none"> - Coordinate delivery of infrastructure and services;<u>and</u> - <u>Recognise and account for qualifying matters including Te Ture Whaimana o Te Awa o Waikato.</u> 	
MRZ2-05 – Qualifying matter	Amend	Amend MRZ2-05 as follows: The capacity to accommodate medium density residential development may be limited to recognise and/or protect one or more qualifying matters.	<ul style="list-style-type: none"> • The amendment will ensure the objective is compatible and consistent with Policy MRZ2-P6 which implements it. • The amendment will reduce ambiguity in implementing the objective.
MRZ2-P6	Support	Retain MRZ2-P6.	<ul style="list-style-type: none"> • Appropriately recognises the constraints that qualifying matters place on residential development.
MRZ2-S1 – Residential Unit	Amend	Amend MRZ2-S1 – Residential Unit matters of discretion to include the following: -Effects on cultural values	<ul style="list-style-type: none"> • Provides for addressing effects on cultural values • Important given the scale and extent of development provided for as a restricted discretionary activity
MRZ2-S2 – Building height	Amend	Amend MRZ2-S2 – Building height matters of discretion to include the following: -Effects on cultural values	<ul style="list-style-type: none"> • Provides for addressing effects on cultural values • Important given the scale and extent of development provided for as a restricted discretionary activity
MRZ2-S3 – Height in relation to boundary	Amend	Amend MRZ2-S3 – Height in relation to boundary matters of discretion to include the following: -Effects on cultural values	<ul style="list-style-type: none"> • Provides for addressing effects on cultural values • Important given the scale and extent of development provided for as a restricted discretionary activity