

Submitter Number:	286	Submitter:	Lorraine Dixon
Organisation:	Waikato-Tainui		
Point Number	286.1		
Summary of Decision Requested:	<p>Add provisions to the Proposed District Plan to enable land in Te Wherowhero title at Hopuhopu to be planned for, developed and used in accordance with the mandate outlined below (or words to similar effect):</p> <p><i>(b) Other land is held in Te Wherowhero title, created under the Waikato Raupatu Claims Settlement Act 1995. Te Wherowhero title land is held by Custodian Trustees for the benefit of all Waikato. The former Hopuhopu military base, now the site of Waikato-Tainui College for Research and Development and other activities, is in Te Wherowhero title. The district plan addresses this land differently from other Maaori land. Business and Residential zoned areas at Hopuhopu are subject to the plan provisions that apply to those zones. The remainder of Hopuhopu is a specific site in the Rural Zone.</i></p> <p>AND</p> <p>Add a new point to Section 2.6 - Powers to set aside Maaori Land for special purposes, (b), as follows:</p> <p><i>(b) The district plan adopts a different approach to land at Hopuhopu in Te Wherowhero title. Rural Zoned land is identified as a specific site, enabling a range of activities appropriate to the aspirations of the Waikato Raupatu Claims Settlement Act 1995 and the Deed creating the Waikato Raupatu Lands Trust (1995). Business and Residential zoned areas at Hopuhopu are subject to the plan provisions that apply to those zones.</i></p> <p>AND</p> <p>Add a new point to Section 2.8 - Concept Management Plan, as follows:</p> <p><i>(c) At Hopuhopu, a concept management plan is required for some permitted activities. The concept plan for Hopuhopu is not subject to Maori Land Court approval.</i></p> <p>AND</p> <p>Add a new point to Section 2.13.1 - Policy Tangata Whenuatanga (utilisation by landowners), as follows:</p> <p><i>(d) That the Te Wherowhero title at Hopuhopu can be sustainably used and developed.</i></p> <p>AND</p> <p>Add a new policy to Section 5.3 - Rural Character and Amenity after Policy 5.3.17, as follows:</p> <p><i>Policy - Specific Area - Hopuhopu</i></p> <p><i>(g) Provide for a range of activities on the land in Te Wherowhero title at Hopuhopu to plan for, develop and use the land in accordance with the mandate of the title, including the Waikato-Tainui College for Research and Development and associated facilities, sports facilities, hauora, marae complexes and associated facilities, and papakainga housing development according to customs and practices.</i></p> <p>AND</p> <p>Add a new section to Chapter 22 - Rural Zone after Section 22.8, as follows:</p> <p><i>22.9 Specific Area - Hopuhopu</i></p> <p><i>22.9.1 Application of Rules</i></p> <p><i>(a) The rules that apply to the Hopuhopu specific area as identified on the planning maps are as follows:</i></p> <p><i>(i) Rule 22.1 Land Use - Activities, and the additional permitted and discretionary activities identified in rules 22.9.2 and 22.9.3;</i></p> <p><i>(ii) Rule 22.2 Land Use - Effects;</i></p> <p><i>(iii) Rule 22.3 Land Use - Building; and</i></p> <p><i>(iv) Rule 22.4 - Subdivision.</i></p> <p><i>22.9.2 Permitted Activities - Hopuhopu</i></p> <p><i>(a) Additional permitted activities at Hopuhopu:</i></p> <p><i>P1: Education facilities - A concept management plan is provided.</i></p> <p><i>P2: Marae complex - A concept management plan is provided.</i></p> <p><i>P3: Papakainga Housing Development and Papakainga building - A concept management plan is provided.</i></p> <p><i>P4: Place of assembly - A concept management plan is provided.</i></p> <p><i>P5: Hauora - A concept management plan is provided.</i></p> <p><i>P6: Recreational facility - A concept management plan is provided.</i></p> <p><i>P7: Cultural events - Nil.</i></p> <p><i>P8: Sports - Nil.</i></p> <p><i>P9: Informal recreation - Nil.</i></p> <p><i>P10: Water bulk storage infrastructure and associated easements - Nil.</i></p> <p><i>22.9.3 Discretionary Activities - Hopuhopu</i></p> <p><i>(a) The activities listed below are discretionary activities.</i></p> <p><i>D1 - Any permitted activity that does not comply with an activity specific condition in Rule 22.9.2.</i></p> <p>AND</p> <p>Amend the planning maps by Hopuhopu Specific Area.</p> <p>AND</p> <p>Amend Chapter 13 - Definitions, by adding a definition for the "Hopuhopu Specific Area" as follows:</p>		

Hopuhopu Specific Area means the area shown on the planning maps.

Decision Reasons:

- To enable the land at Hopuhopu to be planned for, developed and used in accordance within the mandate of the Te Wherowhero title. This submission addresses a gap in the Proposed Plan. Hopuhopu will not get the benefit of the proposed new rules that confer additional permitted activities on Maaori freehold land, because Hopuhopu is in special Te Wherowhero title created under the Waikato Raupatu Claims Settlement Act 1995.
- The removal of the Pa Zone results in Hopuhopu losing some permitted activities under the operative plan.
- The majority of Hopuhopu is in the Rural Zone, and the best approach for the district plan is to identify the rural part of Hopuhopu as a specific area in the Rural Zone, with appropriate rules. This fits the existing plan structure, which provides for some rural sites to be managed as specific areas, including agricultural research centres and Huntly power station facilities.

Point Number 286.2

Summary of Decision Requested: **Retain** areas of Hopuhopu in the Residential Zone being managed under the ordinary rules of that zone.

Decision Reasons:

- No reasons provided.

Point Number 286.3

Summary of Decision Requested: **Retain** areas of Hopuhopu in the Business Zone being managed under the ordinary rules of that zone.

Decision Reasons:

- No reasons provided.

Point Number 286.4

Summary of Decision Requested: No specific decision sought but submission generally supports the direction that Waikato District Council has taken in the development of the plan. Waikato-Tainui also see parts of the plan that can be improved, with a particular focus on the areas that effect Waikato-Tainui people.

Decision Reasons:

- Waikato-Tainui recognises the challenges of the growth pressures, and the large area covered by the district, the proximity to the fast-growing Hamilton City and limitations on funding available.

Point Number 286.5

Summary of Decision Requested: Waikato-Tainui support every opportunity for the planning process to become more streamline and less time consuming.

Decision Reasons:

The proposed plan should provide a document framework that is simple to understand and can be used by all.

Effort should be made to reduce the amount of time required by Waikato-Tainui staff and the community in general to understand the plan the implications for development.

Point Number 286.6

Summary of Decision Requested: No specific decision sought but the submission supports and promotes a co-operative and collaborative approach to natural resource and environmental management, restoration, responsibilities and care within the Waikato-Tainui rohe.

Decision Reasons:

- Mana whakahaere embodies the authority that Waikato-Tainui have established in respect of the environment and view the holistic integrated management of the environment of utmost importance.
- Waikato-Tainui are responsible for protecting and nurturing the mauri of all living things in accordance with tikanga.
- Waikato-Tainui welcomes the District plan that is intended to align and integrate the resource management system to enhance iwi and hapuu participation and that it provides robust and durable planning and environmental outcomes.

Point Number 286.7

Summary of Decision Requested: No specific decision sought but the submission opposes any legislative and policy development that may undermine participation in resource management processes that have been achieved to date. In respect of the Waikato River, Te Ture Whaimana/the vision and Strategy for the Waikato River is of paramount importance and must continue to prevail over other planning instruments and to ensure the Vision and Strategy is given effect to, Waikato-Tainui participation in planning processes relating to the Vision and Strategy must not be diluted.

Decision Reasons:

- Waikato-Tainui are Tangata whenua of the Waikato and Auckland regions including West Coast Harbours (Manukau, Whaingaroa, Aotea and Kawhia) the coastal areas of these regions.
- Waikato-Tainui are recognised as kaitiaki of their environment and view the holistic integrated management of the environment of utmost importance.
- Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the River.
- Te Ture Whaimana has certain status and 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.

- Resource management, use and activities with the Waikato River catchment in the Waikato-Tainui rohe are to be consistent with Te Ture Whaimana.
- Crown Iwi Accords reflect a commitment between the Crown and Waikato-Tainui to enter an era of co-management over the Waikato River with the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations.
- The Waikato River Settlement provide for the establishment of Joint Management Agreements (JMAs) between local authorities and Waikato-Tainui and this provides the opportunity to sit at the table with local authorities and participate in the local government activities so far as they relate to the river.

Point Number 286.8

Summary of Decision Requested: No specific decision sought but the submission seeks to ensure that all plans and policies aligns with the outcomes of important tribal documents: Tai Tumu, Tai Pari, Tai Ao Waikato-Tainui Environmental Plan, and Whakatapuranga Waikato-Tainui 2050 Strategic Plan.

Decision Reasons:

- The Waikato-Tainui Environmental Plan is designed to enhance Waikato-Tainui participation in resource and environmental management.
- Waikato-Tainui acknowledges there may be more than one agency involved in the successful achievement of the Plans objectives due to different mandate, legislation, drivers and motivation across external agencies. Waikato-Tainui encourages and advocates for external agencies to do what they can to achieve the Plans objectives.
- Waikato-Tainui support and promotes a coordinated, co-operative and collaborative approach to environmental management across the Waikato-Tainui rohe.
- Whakatapuranga Waikato-Tainui 2050 is the strategic plan blue print for the cultural, social and economic advancement of Waikato-Tainui.

Point Number 286.9

Summary of Decision Requested: No specific decision sought but the submission supports the introduction of a specific chapter addressing Tangata whenua concerns, issues and opportunities.

Decision Reasons:

- The Tangata whenua Chapter discusses statutory responsibilities that are required of the Treaty of Waitangi, The Waikato River Settlement Act 2010 and the Resource Management Act amongst others. It is important to Waikato-Tainui that this recognition of responsibilities and commitments that the crown has made are acknowledged throughout the plan and how it is implemented.

Point Number 286.10

Summary of Decision Requested: Amend the Proposed District Plan to ensure that the Objectives, Policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.

Decision Reasons:

- It is important the Tangata whenua issues are addressed throughout the proposed plan to ensure a holistic approach is taken to resource management, consistent with the principles of whakapapa, whanaunatanga, tangata whenuatanga, and kaitiaki.
- These principles are a way to interact and behave with the environment. By including these principles in the Proposed District Plan, Waikato District Council is committing to observe and work consistently with these principles.
- It is important to Waikato-Tainui that this recognition of responsibilities and commitments that the crown has made are acknowledged throughout the plan and how it is implemented.

Point Number 286.11

Summary of Decision Requested: Amend the Proposed District Plan to allow for greater use of Maatauranga Maaori.

Decision Reasons:

- Waikato-Tainui expects that Waikato District Council look to Maatauranga Maaori to remedy adverse effects of development.
- Maatauranga Maaori is increasingly being used as conditions of resource consents and in the identification of restoration projects as an alternative to engineering solutions.
- The Proposed Plan should signal and provide for greater opportunities to utilise Maatauranga Maaori for the benefit of the environment.

Point Number 286.12

Summary of Decision Requested: Amend the Proposed District Plan to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao has been included, following engagement with Waikato-Tainui.

Decision Reasons:

- Waikato-Tainui considers greater regard be given to the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao than has occurred in the notified version.
- This statutory document provides significant information to provide council staff and the community in general an understanding of the expectations upon resource users in the rohe.
- In particular, but not limited to, Waikato-Tainui consider that greater weight and consideration should have been given to Chapter 7 of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao which discusses Environmental Enhancement. At its core this chapter requires resource users not to simply mitigate adverse effects on the environment, but to act in a manner that enhances an environment for the betterment of the natural resource.
- There may be future opportunities for Waikato-Tainui and Council to develop initiatives and programmes of work where marae and Maaori owned land is better utilised.

Point Number 286.13

Summary of Decision Requested: No specific decision sought but submission supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field and with mana whenua.

Decision Reasons:

- No reason provided.

Point Number 286.14

Summary of Decision Requested: Amend the Proposed District Plan to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape

AND

Amend the Proposed District Plan maps to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.

Decision Reasons:

- Waikato-Tainui do not support the assessment of the non-inclusion of the Waikato River as an Outstanding Natural Feature and/or Landscape.
- Waikato-Tainui do not believe that parts of the Waikato River can be cut into sections and not viewed holistically.
- The assessment of the Waikato River as an Outstanding Natural Feature and Landscape is both a historic and contemporary issue. A variety of legislative and policy directions have been developed that support the identification of the Waikato River as an Outstanding Natural Feature and Landscape.
- The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 talks of the significance and holistic nature of the Waikato River is viewed. The submission quotes Part 2, Settlement redress through legislation (8).
- This acknowledgement by the Crown, that the Waikato River should be considered in its entirety and not divided, as it has been assessed in the Proposed District Plan, provides what the river settlement legislation was seeking.
- The Vision and Strategy for the Waikato River was required to be included without amendment in the Waikato Regional Policy Statement. The Regional Policy Statement review assessed the Waikato River as an Outstanding Natural Feature and Landscape. This was removed in the decision's version on the basis that the Waikato River had been modified too significantly, in particular the part of the river flowing through Hamilton City to be deemed an Outstanding Natural Feature or Landscape and that the necessary assessments and understanding of the cultural significance has not been undertaken to support the rivers inclusion.
- Fast forward to the current situation where Waikato District Council are assessing the river at a more detailed district level, that does not include Hamilton City. In addition Waikato District Council have a greater understanding of the cultural significance of the Waikato River to Waikato-Tainui through the engagement process.
- The Proposed Plan and maps provide for the Waikato River as an Outstanding Natural Feature, only from the river Delta to inside the river mouth. Waikato-Tainui are of the opinion the Waikato River is an Outstanding Natural Feature in its entirety and the reasons for it not attaining regional significance was based on interpretation and lack of work on behalf of those researching the cultural significance of the river.
- The Waikato River is recognised by statute and is the subject of a previously unique authority that funds the restoration and protection annually. Alone this legislative weight potentially justifies its status as an Outstanding Natural Feature and Landscape at a district level.
- Of more importance is the cultural connection that Waikato-Tainui have with the Waikato River. Whilst the landscape assessment attached to the Proposed Plan does not support the entire river being included, it does as a starting point provide justification as to how the assessment was made (submission refers to the Proposed Plan Appendix 3).
- The cultural and heritage values do not neatly fit into the specific feature or landscape assessment criteria, however engagement with iwi and understanding the districts identity should have seen the Waikato River included as an Outstanding Natural Feature or Landscape or both. The lines that are blurred on the margins of the river by wetlands, tributaries, islands and river use in general only add to the rivers significance. Because the river does not sit neatly as an Outstanding Natural Feature or Outstanding Natural Landscape, that it should be considered both, and afforded the highest protection rather than defaulting to a partial categorisation that undermines its significance.
- The assessment criteria used appears to isolate features or places, rather than taking a more holistic approach. If this had been the case Waikato-Tainui assume that the Waikato River would have been deemed Outstanding; both as a landscape and a feature.

Point Number 286.15

Summary of Decision Requested: Amend the Proposed District Plan after undertaking a natural character assessment for the Waikato River to determine if there are any areas of high or outstanding natural character.

Decision Reasons:

- Waikato-Tainui have concerns that no natural character assessment has been undertaken for the Waikato River.

Point Number 286.16

Summary of Decision Requested: Amend the property description and title number SA57C/456 relating to 333 Old Taupiri Road and 467 Hakarimata Road to correct an error where both are referenced under same property description and title number.

Decision Reasons:

- Seeks to clarify and remedy an administrative error.

Point Number 286.17

Summary of Decision Requested: Amend the zoning at 333 Old Taupiri Road to a specific Hopuhopu Zone.

Decision Reasons:

- To remove confusion and provide clarity around future uses, Waikato-Tainui consider that providing for a Hopuhopu Zone is appropriate. The variety of activities that currently occurs at Hopuhopu and, the future aspirations for the site demand greater clarity.
- Waikato-Tainui considers that sufficient time will be available pre-hearing, that a Hopuhopu Zone can be drafted and presented to commissioners. This should be developed as a partnership between Waikato District Council and Waikato-Tainui.

Point Number 286.18

Summary of Decision Requested: Amend the description of 333 Old Taupiri Road to remove the incorrect reference to a Paa site.

Decision Reasons:

- The 467 Hakarimata Road site was a pre-1900 paa site, and the Old Taupiri Road site (Hopuhopu) was not.
- This places overly restrictive controls on this site and no historical Paa site zoning should apply or whatever the new definition or zoning is applied to this site.

Point Number 286.19

Summary of Decision Requested: No specific decision sought but the submission supports the introduction of Concept Management Plans.

AND

Amend the Proposed District Plan to provide greater clarity as to what information must be provided when developing a Concept Management Plan.

AND

Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.

AND

Provide greater clarity as to the application of the plan if, a Concept Management Plan is not developed.

AND

Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to marae and/or trusts.

Decision Reasons:

- The ability of marae or trusts to develop Maaori Freehold Land has historically proven challenging and any initiative that remedies this is generally supported.
- Aside from the RMA issues around Concept Management Plans, Waikato-Tainui understands the key benefits being the development of papakainga housing and the ability to futureproof in some situations future land use. This is supported provided additional resource consents are not required to satisfy district plan requirements.
- Waikato-Tainui seek additional information as to the implementation of the plans. Whilst the introduction of Concept Management Plans and the potential for reduce regulation is positive, Waikato-Tainui want to ensure that the development of these plans is not overly onerous. Waikato-Tainui do not want to see individual marae or Maaori freehold land owners required to provide a Concept Management Plan and then still require further resource consents application to satisfy district plan requirements.
- The development and process of Concept Management Plan requires greater explanation in the proposed plan. Whilst Waikato-Tainui support ease of development on marae and Maaori freehold land, the potential still remains for a lengthy consenting process.
- Clarification is also sought in the proposed plan as to the application of the plan zoning when a Concept Management Plan is not developed. It is presumed that this means the underlying zone applies and this could create issues for those located in Residential and Rural Zones. It is understood that marae and papakainga housing will default to Discretionary Activity status without an approved Concept Management Plan. This would appear to be a restrictive activity status for what could be small scale development.

Point Number 286.20

Summary of Decision Requested: Amend the Proposed District Plan to ensure consistency of wording in the Rural and Residential Zones in relation to the approval process for a Concept Management Plan.

Decision Reasons:

- Waikato-Tainui seek additional information as to the implementation of the plans. Whilst the introduction of Concept Management Plans and the potential for reduce regulation is positive, Waikato-Tainui want to ensure that the development of these plans is not overly onerous. Waikato-Tainui do not want to see individual marae or Maaori freehold land owners required to provide a Concept Management Plan and then still require further resource consents application to satisfy district plan requirements.
- The development and process of Concept Management Plan requires greater explanation in the proposed plan. Whilst Waikato-Tainui support ease of development on marae and Maaori freehold land, the potential still remains for a lengthy consenting process. Clarification is also sought in the proposed plan as to the application of the plan zoning when a Concept Management Plan is not developed. It is presumed that this means the underlying zone applies and this could create issues for those located in Residential and Rural Zones. It is understood that marae and papakainga housing will default to Discretionary Activity status without an approved Concept Management Plan. This would appear to be a restrictive activity status for what could be small scale development.
- Aside from the RMA issues around Concept Management Plans, Waikato-Tainui understands the key benefits being the development of papakainga housing and the ability to futureproof in some situations future land use. This is supported provided additional resource consents are not required to satisfy district plan requirements.

Point Number 286.21

Summary of Decision Requested: Amend the Proposed District Plan to provide for a new district-wide Maaori land Chapter, which provides a specific objective and policy framework, a wider range of activities relevant to Maaori land, such as Urupaa and koohanga (could be specifically identified rather than just covered under the definition of Marae Complex), and Concept Management Plans which provide for permitted activities. This chapter would apply district wide and ensure the benefits are not limited to certain zones.

Decision Reasons:

- Waikato-Tainui consider a more effective and efficient method of providing for the use and development of Maaori land in accordance with matauranga and tikanga is by way of a district-wide Maaori land chapter.
- In addition to the practical benefits, this would ensure that the Tangata Whenua Chapter as notified is brought through the entire plan, not simply a heading at the beginning of the proposed plan. This approach has been successful implemented in the Auckland Unitary Plan.

Point Number 286.22

Summary of Decision Requested: Amend the definition of "Marae Complex" in Chapter 13 Definitions as follows:

Means a group of buildings that constitutes a marae and can be made up of a whareniui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the whareniui), urupaa (graveyard), tuahu (memorial statues sacred place for ritual practices), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakainga/papakainga building and utility services.

Decision Reasons:

- Waikato-Tainui seek the definitions that apply to Maaori land are clarified. Some definitions remain undefined and very broad.

Point Number 286.23

Summary of Decision Requested: Amend the definition of "Maaori Freehold Land" in Chapter 13 Definitions to be consistent with section 129(2)(b) of the Te Ture Whenua Maaori Act 1993.

Decision Reasons:

- Waikato-Tainui seek the definitions that apply to Maaori land are clarified. Some definitions remain undefined and very broad.

Point Number 286.24

Summary of Decision Requested: Amend the definition of "Maaori Customary Land" in Chapter 13 Definitions to be consistent with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.

Decision Reasons:

- Waikato-Tainui seek the definitions that apply to Maaori land are clarified. Some definitions remain undefined and very broad.

Point Number 286.25

Summary of Decision Requested: Place the district plan review process on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.

Decision Reasons:

- Waikato-Tainui are pleased that structure plans were referenced in various parts of the Proposed District Plan, however there appears to be an absence of structure plans when attempting to locate them in the plan.
- Waikato-Tainui understands a 'Blueprinting' exercise is currently underway and will provide the basis for any future structure plans. Whilst this initiative is supported, it is considered that the timing of this process is unfortunate and would have been more effective if the process had been undertaken pre notification of the Proposed District Plan. The concern is, the Blueprinting exercise and potential structure plans will require a plan change process to implement as part of the district plan. Locations such as Huntly, Mercer and Pokeno are in need of high-level planning assessment and it is disappointing that resource and time are required to get these guiding plans part of the district plan.

Point Number 286.26

Summary of Decision Requested: No specific decision sought but submission requests the blueprint and structure plan processes recognise tikanga and Maatauranga Maaori.

Decision Reasons:

- Waikato-Tainui are of the opinion that any structure plans or Blueprinting exercises should recognise Waikato-Tainui tikanga and Maatauranga Maaori, to reflect the districts rich Maaori heritage.

Point Number 286.27

Summary of Decision Requested: Amend the Proposed District Plan to provide setbacks from the waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Council and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan.

Decision Reasons:

- Waikato-Tainui have concerns that the earthworks setbacks do not adequately protect waterways and fail to be consistent with the notified Proposed Plan Change 1 to the Waikato Regional Plan. This plan change process triggered by the need to give effect to the Vision and Strategy for the Waikato River requires a minimum setback of 5m from a waterway (for cropping only) to be considered a permitted activity. The Proposed Waikato District Plan allows for a 1.5 setback in the Residential Zone and appears to have no setbacks at all for earthworks in the Rural Zone.
- The lack of a setback is inappropriate and has failed to have regard to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan. As a minimum it would be anticipated that the Proposed District Plan change would be consistent with Proposed Plan Change 1 to the Waikato Regional Plan.

Point Number 286.28

Summary of Decision Requested: Retain earthworks on Maaori Sites of Significance and Maaori Areas of Significance as a restricted discretionary activity.

Decision Reasons:

- Waikato-Tainui support this as early warning when such activities are being undertaken is desirable.

Point Number	286.29
Summary of Decision Requested:	Retain the activity status and clearance thresholds for indigenous vegetation clearance for marae, dwellings and papakainga on Maaori Freehold Land or Maaori Customary Land.
Decision Reasons:	<ul style="list-style-type: none"> • Waikato-Tainui support the ability to clear indigenous vegetation for the purpose of establishing these activities on Maaori Freehold Land or Maaori Customary Land.
Point Number	286.30
Summary of Decision Requested:	Amend the Proposed District Plan to provide for earthworks in Significant Natural Areas that are for the establishment of marae, papakainga, dwellings and associated access, parking and manoeuvring as a permitted activity.
Decision Reasons:	<ul style="list-style-type: none"> • Earthworks within a Significant Natural Area associated with marae, papakainga and dwellings are not afforded the same permitted status as vegetation clearance and would be a restricted discretionary activity. There seems little point in providing for a permitted indigenous clearance for these activities but then requiring resource consent for earthworks. • As currently proposed, consent for a restricted discretionary activity would potentially need to be obtained to establish building platforms and access.
Point Number	286.31
Summary of Decision Requested:	Retain the permitted activity provisions for indigenous vegetation clearance associated with the gathering of plants in accordance with Maaori customs and values.
Decision Reasons:	<ul style="list-style-type: none"> • This is supported.
Point Number	286.32
Summary of Decision Requested:	Amend Policy 4.7.3 (a) (xvi) Residential subdivision to refer to low impact stormwater design. AND Amend the Proposed District Plan to clarify situations where low impact design is not appropriate.
Decision Reasons:	<ul style="list-style-type: none"> • Amendments to Policy 4.7.3 would improve consistency with Policy 6.4.7 Stormwater which does mention low impact design being adopted where appropriate. • The language used references low impact design 'where appropriate' understanding of where it would not be appropriate is sought. An example of this is in 14.11 Water, wastewater and stormwater.
Point Number	286.33
Summary of Decision Requested:	Amend the Proposed District to utilise Low Impact Design in all new developments.
Decision Reasons:	<ul style="list-style-type: none"> • Clarification is sought as to why Council would not be seeking best practice low impact design for the management of stormwater to reduce the demand and load on existing infrastructure.
Point Number	286.34
Summary of Decision Requested:	Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.
Decision Reasons:	<ul style="list-style-type: none"> • The Proposed District Plan 'live zones' or assigns Residential Zoning to areas of land that were previously Rural Zone/Future Urban/Deferred Zones. For most of this land there is uncertainty around infrastructure timing and funding, and structure planning is yet to be undertaken. Given the wastewater issues that the Council currently have and are facing in the future it seems almost impossible that Council infrastructure will be able to cope with the live zoning of the district. • Waikato-Tainui are concerned that live zoning will create an expectation that the Waikato River will be absorbing greater volumes of wastewater and stormwater discharge. This expectation is contrary to and does not give effect to the Vision and Strategy for the Waikato River. • Waikato-Tainui strongly oppose this proposition and believe deferred zoning is required in most if not all locations that cannot be catered for through existing infrastructure.
Point Number	286.35
Summary of Decision Requested:	Amend Chapter 14 Infrastructure to provide clear provisions to manage the effects of infrastructure and energy activities on Maaori Areas of Significance and Maaori Sites of Significance. This may include amending the activity status, rules and defining terms such as "identified areas."
Decision Reasons:	

- Chapter 14 states that the zone chapters are their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within the Infrastructure and Energy Chapter. In other words, Chapter 14 is largely designed to be self-contained and standalone.
- Clarity is sought to what activity status and provisions would apply to infrastructure and energy activities proposed on Maaori Areas of Significance or Maaori Sites of Significance. Throughout the Chapter the terminology "identified areas" is used. This term is not defined in Chapter 13 Definitions and therefore it is unclear if this is intended to capture Maaori Areas of Significance or Maaori Sites of Significance.
- Without clear provisions regarding infrastructure and energy activities Maaori Areas of Significance or Maaori Sites of Significance there is a risk that these areas and sites may be adversely affected by activities with very few checks and balances in place. It is important to note that not all Areas of Significance to Waikato-Tainui are listed or public knowledge, this is well understood by all parties. For this reason, concerns exist that if infrastructure development was occurring, site disturbance could occur at sites of significance without the knowledge of Waikato-Tainui or the infrastructure provider.

Point Number 286.36

Summary of Decision Requested: **Withdraw** or place on hold the Proposed Waikato District Plan review process to allow for the Hazards Chapter to be developed, integrated and considered as part of a thorough district plan review process.

Decision Reasons:

- Waikato-Tainui are concerned that the Natural Hazards Chapter has been omitted from the notified Proposed District Plan. It is challenging to consider a Proposed District Plan without a natural hazards chapter in the plan.
- Given the vast array of natural hazards in the district, Waikato-Tainui are of the opinion that it is not realistic to progress the plan without this chapter being considered in tandem with the other chapters of the plan.
- This is a major flaw in the process and to ensure consistency and integration across the plan.

Point Number 286.37

Summary of Decision Requested: **Add** clear provisions for genetically modified organisms that include:

- precautionary policies to regulate the outdoor use of genetically modified organisms;
- prohibit the release of genetically modified organisms on land; and
- make field trials a discretionary activity with performance standards in regard to liability and the posting of bonds.

Decision Reasons:

- Waikato-Tainui are concerned about the potential risks posed by releasing genetically modified organisms (GMOs) into the environment. It considers the science is unproven and the risk of biological and ecosystem harm is too great not to include precautionary provisions for GMOs under local plans.
- Equally important is the risk to social, economic, and cultural wellbeing, even if the Council considers that GMOs pose no biological or ecosystem risks. GMO contamination could have significant adverse effects on the economic markets, way of life, for both organic and non-GMO food producers and the mauri and tikanga of Tangata whenua.
- The Waikato-Tainui Environmental Plan takes a precautionary approach to GMOs and specifies that application for new organisms and GMOs must demonstrate that there are no risks to humans, indigenous ecosystems, indigenous species, or primary production.
- The draft Maniapoto Environment Plan also takes a precautionary approach to GMOs and specifies that any applications for the introduction of new or GMOs into the environment must ensure that there is no risk to indigenous flora and fauna, ecosystems, or to the health and wellbeing of Maniapoto Iwi.
- A number of councils around New Zealand have been moving to protect their primary producers and communities by introducing precautionary or prohibitive policies. Auckland Council, Far North District Council, Whangarei District Council and Hastings District Council have all included provisions in their planning documents to regulate the outdoor use of genetically modified organisms. All four councils have prohibited the release of GMOs on land and made field trials a discretionary activity with performance standards in regards to liability and the posting of bonds.

Point Number 286.38

Summary of Decision Requested: **Amend** the Proposed District Plan to give further consideration to ensuring district plans are progressed in an integrated and holistic way, and that changes intended to promote residential economic development are balanced and do not undermine the existing environmental principles of the freshwater management regime.

Decision Reasons:

- No reason provided.