

Report: Summary of Submissions by Submitter Number/Name

Submitter Number:	984	Submitter:	Glenda Raumati
On behalf of:	Trustee Turangawaewae Trust Board		
Point Number	984.1		
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:	<ul style="list-style-type: none"> 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 Turangawaewae Trust Board that this recognition of responsibilities and commitments that the crown has made are acknowledged throughout the plan and how it is implemented. <p>Turangawaewae Trust Board seek the best possible opportunities to utilise lands and provide opportunities for its people and the subsequent benefits to the whole community.</p>		
Point Number	984.2		
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:	<ul style="list-style-type: none"> It is important that Tangata whenua issues are not simply addressed in the Tangata whenua chapter but 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 Turangawaewae Trust Board that this recognition of responsibilities and commitments that the crown has made (in the Treaty of Waitangi, The Waikato River Settlement Act 2010 and the Resource Management Act amongst others) are acknowledged throughout the plan and how it is implemented. 		
Point Number	984.3		
Summary of Decision Requested:	Amend the Proposed District Plan to allow for greater use of matauranga Maori.		
Decision Reasons:	<ul style="list-style-type: none"> Turangawaewae Trust Board expects that Waikato District Council look to matauranga Maori to remedy adverse effects of development. Matauranga Maori 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 matauranga Maori for the benefit of the environment. 		
Point Number	984.4		
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 Turangawaewae Trust Board.		
Decision Reasons:	<ul style="list-style-type: none"> Turangawaewae Trust Board 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, Turangawaewae Trust Board 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 Turangawaewae Trust Board and Council to develop initiatives and programmes of work where marae and Maori owned land is better utilised for the benefit of the land owners. 		
Point Number	984.5		
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:	<ul style="list-style-type: none"> Turangawaewae Trust Board consider a more effective and efficient method of providing for the use and development of Maaori land in accordance with maatauranga 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 984.6

Summary of Decision Requested: Amend the definition of "Marae Complex" in Chapter 13 Definitions to provide greater clarity and include individual definitions where appropriate.

Decision Reasons:

- Turangawaewae Trust Board seek the definitions that apply to Maori land are clarified. Some definitions remain undefined and very broad.

Point Number 984.7

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

Decision Reasons:

- Turangawaewae Trust Board seek the definitions that apply to Maori land are clarified. Some definitions remain undefined and very broad.

Point Number 984.8

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

Decision Reasons:

- Turangawaewae Trust Board seek the definitions that apply to Maori land are clarified. Some definitions remain undefined and very broad.

Point Number 984.9

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:

- Turangawaewae Trust Board 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.
- Turangawaewae Trust Board 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 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 be required to get these guiding plans part of the district plan.

Point Number 984.10

Summary of Decision Requested: No specific decision sought but submission requests the blueprint and structure plan processes recognise tikanga and matauranga Maori and required meaningful consultation with hapu and mare in affected communities.

Decision Reasons:

- Turangawaewae Trust Board are of the opinion that any structure plans or Blueprinting exercises should recognise Waikato-Tainui tikanga and matauranga Maori, to reflect the population (56% of population in Ngaruawahia) and rich Maori heritage.

Point Number 984.11

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:

- Turangawaewae Trust Board 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 984.12

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

Decision Reasons:

- Turangawaewae Trust Board support this activity status as early warning when such activities are being undertaken is desirable.

Point Number 984.13

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:

- Turangawaewae Trust Board support the ability to clear indigenous vegetation for the purpose of establishing these activities on Maaori Freehold Land or Maaori Customary Land.

Point Number 984.14

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:

- 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 984.15

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:

- This is supported.

Point Number 984.16

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:

- Turangawaewae Trust Board 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, Turangawaewae Trust Board 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 984.17

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 984.18

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:

- Turangawaewae Trust Board do not support the assessment of, and the non-inclusion of the Waikato River as an Outstanding Natural Feature and/or Landscape.
- Turangawaewae Trust Board 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. Turangawaewae Trust Board are of the opinion the Waikato River is an Outstanding Natural Feature in its entirety and the reasons for it not attaining regionally 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 984.19

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:

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

Point Number 984.20

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 Maori Freehold Land has historically proven challenging and any initiative that remedies this is generally supported.
- Turangawaewae Trust Board 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, Turangawaewae Trust Board want to ensure that the development of these plans is not overly onerous. Turangawaewae Trust Board do not want to see individual marae or Maori 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 Turangawaewae Trust Board support ease of development on marae and Maori 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, Turangawaewae Trust Board 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 984.21

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:

- Turangawaewae Trust Board 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, Turangawaewae Trust Board want to ensure that the development of these plans is not overly onerous. Turangawaewae Trust Board do not want to see individual marae or Maori freehold land owners required to provide a Concept Management Plan and then still require further resource consents application to satisfy district plan requirements.

