



# Proposed Waikato District Plan

Submission form



ECM Project: DPRPh5-03
ECM # .....
Submission # <b>989</b> .....
Customer # .....
Property # .....

RMA Form 5

To submit electronically please go to: [www.waikatodistrict.govt.nz/pdp](http://www.waikatodistrict.govt.nz/pdp)

**Closing date for submissions: 5pm on Tuesday 9 October 2018**

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

First name*: <b>Cilenda</b>	Last name*: <b>Ramati</b>
Organisation: <b>Turangawaenae Trust Board</b>	
On behalf of:	
Postal address*: <b>PO Box 132</b>	
Suburb:	Town/City*: <b>Ngamanahia</b>
Country:	Postal code*: <b>3720</b>
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Please tick your preferred method of contact* <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to* <input checked="" type="checkbox"/> Submitter <input type="checkbox"/> Agent <input type="checkbox"/> Both	
Trade competition and adverse effects:* <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
<b>Note:</b> 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**Please complete the following for every submission point:**

**Provision number** (e.g. 22.4.1.2 P2(a)):

Physical address of the property concerned (if relevant to your submission):

**Do you:**

Support     Oppose     Neutral

**The decision I would like is:**

Please find attached prospective position points

**My reasons for the above are:**

As above

Please return this form **no later than 5pm on 9 October 2018** to:

Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Signed:  .....

Date: 15. 5. 2019 .....

(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 proposed district plan, and may be made publicly available.

## Turangawaewae Trust Board Submission

Turangawaewae Trust Board (TTB) are pleased to provide this submission to the Proposed Waikato District Plan. TTB understand the significant time and effort that goes into developing such a document and also understand the important role it will play in the future of the district. It is for this reason TTB seek to be engaged in this process.

TTB are a significant land owner, owning over 300 hectares in Ngaruawahia. TTB is the governing body for Turangawaewae Marae established on the eastern bank of the Waikato River in 1921 by Te Puea Herangi as a centre for Kingitanga. Over 4000 Waikato Tainui tribal members are beneficiaries of the marae.

Our assets include a marae complex that is able to sleep 700 people and a dining room able to seat 800 people in a single sitting. We are a significant investor in early childhood education with Te Kaahu Kohanga Reo, Turangawaewae Kohanga Reo, Newcastle Kindergarten (land lease) and Moko Club which occupies land gifted to Kingi Tuheitia by TTB. Nga Miro Health the Trust's health arm is the largest NGO social and health service provider in Ngaruawahia. The Trust is the largest NGO provider of social housing in Ngaruawahia with 30 units. A number of sports entities are affiliated to the marae, Turangawaewae Rugby League Club, Turangawaewae Netball Club and Turangawaewae Waka Sports Club. We also own a dairy farm on River Road as well as other residential and commercial land interests in the town.

We host the largest public events in Ngaruawahia with the annual regatta and koroneihana celebrations attracting tens of thousands of visitors. Turangawaewae Marae in actual fact has for decades been the largest drawcard for visitors to Ngaruawahia hosting tribal, regional, corporate, national and international events. TTB's contribution to the economic, social and cultural fabric of Ngaruawahia and the region is significant.

TTB as a landowner seek the best possible opportunities to utilise lands and provide opportunities for its people and the subsequent benefits to the whole community.

The plan as notified raises concerns for TTB and would seek amendment or deletion where required to improve the document. TTB are aware of the submission that has been provided by Waikato-Tainui and TTB support in general this submission. The submission provided here by TTB, seeks to reinforce the key parts of the Waikato-Tainui submission that directly effect Turangawaewae Marae.

TTB are keen to engage with council staff should the opportunity exist for clarification of certain aspects of the plan, this will maybe enable a reduced presentation at hearing.

TTB will not gain a trade advantage from this submission. TTB seek the opportunity to present at hearing and would consider presenting with other appropriate submitters.

## Tangata Whenua Section

TTB support the introduction of a specific Chapter addressing Tangata Whenua concerns, issues and opportunities. It is important that Tangata Whenua issues are not simply addressed in this 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 not simply words on a page to the people of Turagwaewae Marae but a way to interact and behave with the environment, by including these principles in the Proposed District Waikato Plan; Waikato District Council is committing to observe and work consistently with these principles.

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 TTB that this recognition of responsibilities and commitments that the Crown has made, are acknowledged throughout the plan and how it is implemented. To this point, TTB acknowledge the inclusion of Concept Management Plans, which are addressed below. These Concept Management Plans are but one process that Waikato District Council can assist in the development of Maori owned land.

TTB expect beyond the clear statutory responsibilities that Waikato District Council has in implementing Treaty settlements discussed above, Waikato District Council will have greater regard 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 this rohe. In particular but not limited to, TTB 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.

TTB would expect that Waikato District Council would be looking 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.

There may be future opportunities for TTB and Waikato District Council, to develop initiatives and programmes of work where marae and Maori owned land is better utilised for the benefit of the land owners.

### **Relief Sought:**

- 1. Ensure that the objectives, policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.**
- 2. Amend the proposed district plan to allow for greater use of matauranga Maori.**

### **3. Engage with TTB to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao has been included in the Waikato District Plan.**

Outstanding Natural Features and Landscapes and Natural Character

TTB support Waikato District Council in their efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes. TTB also support the efforts to engage experts in this field and with mana whenua. However, TTB do not support the assessment of, and the non-inclusion of the Waikato River as an Outstanding Natural Features and / or Landscape in its entirety. It is also of concern that no natural character assessment has been undertaken for the Waikato River. TTB beyond the discussion below, fundamentally 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. Beyond the rich history of the Waikato River pre and post European settlement, 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 that the Waikato River is viewed. Part 2, Settlement redress through legislation (8) Statement states:

*(3) The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te Awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the river. Our relationship with the river and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture.*

This acknowledgment 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, the key tool in restoring and protecting the Waikato River, was required to be included without amendment in the Waikato Regional Policy Statement (RPS). This occurred in the RPS (operative 2016) review which also included an assessment of Outstanding Natural Features and Landscapes at a regional level. The Waikato River was deemed an ONFL and then removed on several occasions and ultimately in the decision's version. Waikato Regional Council staff recommended in their

s42A report to the hearing panel that the Waikato River should be included as an ONFL. The hearing panel concluded that the Waikato River had been modified too significantly, in particular the part of the river flowing through Hamilton City had been modified too significantly by human activity to be deemed an ONFL. Also, that the necessary assessments and understanding of the cultural significance had not been undertaken to support the rivers inclusion, at a regional level.

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 engagement processes.

The proposed plan and maps provide for the Waikato River as an ONF, only from the river Delta to inside the river mouth. TMTB are of the opinion that for numerous reasons, 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 a lack of work on behalf of those researching the cultural significance of the river. This iconic river, the most recognisable landscape in the region, is recognised by statute and is the subject of a previously unique authority that funds the restoration and protection of it annually by more than 7 million dollars, alone this legislative weight potentially justifies its status as an ONFL at district level. But of more importance, than the identifiable nature of the river landscape or the funds available for projects; 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 in its final Appendix 3 stating:

#### *'CULTURAL AND HERITAGE VALUES*

*Cultural legibility is a vital component of many overseas landscapes where many centuries of human endeavour can be unravelled through study of the present landscape. In New Zealand this aspect of landscape has received only limited and belated attention. Waikato District with its rich history and a multitude heritage layers includes both Maaori and European history, as well as more recent multi-cultural influences such as those from Polynesia, Asia and Africa. Maaori heritage values are often associated with significant natural features, that are in many cases now highly modified, such as former wetlands and swamps, as these places were important for mahinga kai (traditional food species and gathering) and supported associated kainga (villages) and paa (fortified villages). The methodology for gathering information relating to these values are described further below.....*

*The developing awareness of complexity of the 'indigenous cultural landscape' of tangata whenua is covered under the tangata whenua evaluation criterion below. This increased understanding of the value of landscape as a living record of social change, adds to the increasing significance attached to the legibility of our landscapes.*

#### *TANGATA WHENUA VALUES*

*There are a variety of natural features and landscapes that are clearly special or widely known and influenced by their connection to tangata whenua and the associated Maaori values inherent in these places. These landscapes (or the parts of them that remain) have been identified as having particular regional importance to tangata whenua. This input has been provided the various representatives of the Waikato District Plan Iwi Reference Group.*

*These values can only be appropriately addressed by tangata whenua. To identify values and/or sites of cultural landscape significance to tangata whenua within Waikato a desktop review of relevant planning and historical documents.*

*Outstanding Test: For a feature or landscape to score highly for Associative Values, the feature or landscape will need to contain exceptional and/or very high shared and recognised and cultural (including tangata whenua) and heritage values. There is a difference between an acknowledged area of value such as a reserve, and an association with an area due to it having been written about or painted. Therefore, the measure of integrity is useful to differentiate those landscapes that currently demonstrate shared and recognised values through various forms of functioning protection and management such as legislative or voluntary systems. For heritage values, the measurement and extent to which the landscape has been modified with consideration to whether the key characteristics of the historic period have been retained will be crucial. In terms of tangata whenua values, integrity refers to the manner in which the area fully embodies their culture and beliefs and in particular the spiritual connection between the Maaori community and their environment'*

TTB understand that 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 Waikato River, by wetlands, tributaries, islands and river use in general only add to the rivers significance. It should be considered that because the Waikato River does not sit neatly as a Outstanding Natural Feature or an 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.

Furthermore, the assessment criteria used, would appear to isolate features or places rather than taking a more holistic approach. If this had been the case TTB assume that the Waikato River would have been deemed Outstanding; both as a landscape and a feature.

**Relief Sought:**

- 1. The proposed district plan and maps be amended to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.**
- 2. Undertake a natural character assessment for the Waikato River to determine if there are any areas of high or outstanding natural character.**

Concept Management Plans for Maori freehold land

The introduction of Concept Management Plans is generally supported by TTB, the ability of marae or trusts to develop Maori freehold land has historically proven challenging and any initiative that remedies this, is generally supported.

TTB, having not had discussion with Waikato District Council as to the process that the plans will be developed by, wish to seek additional information as to the implementation of the plans. Whilst the introduction of Concept Management Plans and the potential for reduced regulation is positive, TTB want to ensure that the development of these plans is not overly onerous. TTB 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 applications to satisfy district plan requirements.

TTB are of the opinion that the development and process of Concept Management Plans requires greater explanation in the proposed district plan. Whilst TTB support ease of development on marae and maori freehold land, the potential still remains for a lengthy consenting process. Further to this point, TTB would also seek greater clarification 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 that the underlying zoning will apply, this could create issues for those located in residential and rural zones. TTB understand 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, TTB understand 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.

**Relief Sought:**

- 1. Provide greater clarity as to what information must be provided when developing a Concept Management Plan.**
- 2. Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.**
- 3. Provide greater clarity as to the application of the plan if a Concept Management Plan is not developed.**
- 4. Amend the proposed plan, to ensure consistency of wording in the rural and residential zones, in relation to the approval process for a Concept Management Plan.**
- 5. 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.**



## Maaori Land

TTB 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. This would provide; specific objectives 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 this chapter would apply district wide and ensure the benefits are not limited to certain zones. The use of the proposed Concept Management Plans could provide for Permitted Activities, should the clarification of the Concept Management Plans sought from this submission occur.

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 successfully implemented in the Auckland Unitary Plan.

TTB also seek the definitions that apply to Maori land are clarified. Some definitions remain undefined and very broad. TMTB seek greater clarity of these definitions.

### **Relief Sought:**

- 1. AMEND the proposed district plan to provide for a new district-wide Maaori land chapter.**
- 2. AMEND the definition of Marae Complex to provide greater clarity and include individual definitions where appropriate.**
- 3. AMEND the definition of Maaori Freehold Land within Chapter 13 to ensure consistency with section 129(2)(b) of the Te Ture Whenua Maori Act 1993.**
- 4. AMEND the definition of Maaori Customary Land within Chapter 13 to ensure consistency with section 129(2)(a) of the Te Ture Whenua Maori Act 1993.**

## Structure Plans

TTB are pleased to see 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. Following discussions with Councillor Gibb TTB understand a 'Blueprinting' exercise is currently underway and will provide the basis for any future structure plans. Whilst TTB support this initiative, especially considering the growth challenges that the district faces in the north; TTB consider that the timing of this process is unfortunate and would have been more effective if the process had been undertaken pre the notification of the is proposed district plan. The concern for TTB is the Blueprinting exercise and potential structure plans will require plan change processes to implement as part of the district plan. Locations such as Ngaruawahia, 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.

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

**Relief Sought:**

- 1. The district plan review process be put on hold so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.**
- 2. The blueprint and structure plan processes should recognise tikanga, matauranga Maori and require meaningful consultation with hapu and marae in affected communities.**

Earthworks and the Waikato River

The proposed Waikato District Plan provides for Earthworks in specific zones. The concern for TTB, is the earthworks setbacks do not adequately protect water ways 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 set back of 5m from a waterway (for cropping only) to be considered a permitted activity. The Proposed Waikato District Plan allows for a 1.5m setback in the residential zone and appears to have no setbacks at all for earthworks in the rural zone.

TTB do not believe that this lack of setback for earthworks from a waterway is appropriate 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.

**Relief sought:**

- 1. Amend the proposed Waikato District Plan to provide setbacks from 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**

Protecting Areas of Significance to Maori

Earthworks on Maaori Sites of Significance and Maaori Areas of significance are a restricted discretionary activity. TTB support this as early warning when such activities are being undertaken is desirable.

**Relief sought:**

- 1. Retain earthworks on Maaori Sites of Significance and Maaori Areas of significance as a restricted discretionary activity**

## Indigenous Biodiversity

The Proposed Waikato District Plan provides for the clearance of indigenous vegetation (both within identified significant natural areas and outside of significant natural areas) on Maaori Freehold Land or Maaori Customary Land for the purpose of a Marae complex (1500m<sup>2</sup>), dwellings (500m<sup>2</sup> per dwelling) and a papakainga building (500m<sup>2</sup>), as a permitted activity. If provisions cannot be complied with then a resource consent for a discretionary activity (clearance of indigenous vegetation within a significant natural area) or restricted discretionary activity (clearance of indigenous vegetation outside of a significant natural area) is required. However, it appears that earthworks within significant natural areas and associated with Marae, papakainga and dwellings are not afforded the same permitted status as vegetation clearance, they would be a restricted discretionary activity. Only the maintenance of existing tracks, fences or drains are permitted within certain parameters. There seems little point in providing for a permitted indigenous vegetation clearance for these activities but then requiring a resource consent for any earthworks. As currently drafted a resource consent for a restricted discretionary activity would potentially need to be obtained to establish building platforms and access.

TTB support the ability to clear indigenous vegetation for the purpose of establishing these activities on Maaori Freehold Land or Maaori Customary Land. However, TMTB seek that provision be made in the earthworks in Significant Natural Areas rules to allow earthworks associated with Marae, papakainga and dwellings as a permitted activity.

### **Relief sought:**

- 1. Retain the activity status and clearance thresholds for indigenous vegetation clearance for Marae, dwellings and papakainga on Maaori Freehold Land or Maaori Customary Land.**
- 2. 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.**

The Proposed District Plan also provides for indigenous vegetation clearance associated with the gathering of plants in accordance with Maaori customs and values as a permitted activity. This is supported.

## Natural Hazards

TTB are concerned that the Natural Hazards Chapter has been omitted from the notified proposed district plan. It is very challenging to consider a proposed district plan without a natural hazards chapter and how a future inserted natural hazards chapter will relate to other chapters in the plan. Given the vast array of natural hazards in the Waikato District, TTB are of the opinion that it is not realistic to progress the plan with out this chapter being considered in tandem with the all other chapters of the plan. TMTB consider that this is a major flaw in the process and to ensure consistency and integration across the plan, the

plan review should be placed on hold to allow for the Hazards Chapter to be considered in conjunction with all other proposed chapters of the district plan.

**Relief sought:**

1. **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.**