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Would you like to present your submission in person at a hearing?

 Yes I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing: Please see our submission attached. Please send a verified email stating that you have received our submission

#### Attached Documents

File
The Waikato Tainui Submission with the GMO to Proposed Waikato District Plan
Proposed District Plan Notified July 2018



**SUBMISSION: WAIKATO DISTRICT COUNCIL – LONG  
TERM PLAN 2018-2028**

**To: Waikato District Council**

This Submission is from:

**Te Whakakitenga o Waikato Incorporated**

C/o Waikato Raupatu River Trust

PO Box 481

Hamilton

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# INTRODUCTION

1. Waikato-Tainui provide the following submission to the Proposed Waikato District Plan, recognising the significant amount of time and effort that has gone into this proposed district plan. Waikato-Tainui also recognise the challenges faced by Waikato District Council, given the growth pressures, large area covered by the district, proximity to the fast-growing Hamilton City and limitations on funding available.

2. Waikato-Tainui submit in general support for the direction that Waikato District Council has taken in the development of the proposed district plan. Waikato-Tainui also see parts of the plan that can be improved, with a particular focus on those areas that effect Waikato-Tainui people.

3. Waikato-Tainui provide this submission to provide potential amendment and clarity of thought as to why a suggestion or amendment has been proposed. Waikato-Tainui have deliberately provided this submission focused on 'high level' issues to allow for greater consistency of thought throughout the proposed plan. In addition, some submission points may require further work by council staff to support the proposed district plan direction and improve understanding for the community in general.

4. Waikato-Tainui raises a number of concerns in this submission, most seek amendment or clarification. However, the concerns raised around the omission of a Hazards Chapter has resulted in a recommendation of withdrawal or placing the proposed district plan review process on hold. As explained below, Waikato-Tainui are of the opinion that this omission means the proposed district plan can't be assessed to the fullest extent. Given the numerous natural hazards in the district, Waikato-Tainui are to some degree surprised that the plan has been notified without this chapter.

5. From a Waikato-Tainui perspective, the proposed district plan should provide a document framework that is simple to understand and can be used by all. Every effort should be made to reduce the amount of time required by Waikato-Tainui staff and the community in general to understand the plan and the implications for development. Waikato-Tainui staff face ever increasing requests for their inputs into projects and would support every opportunity for the planning process to become more streamlined and less time consuming where possible.

## SUMMARY OF POSITION

6. Waikato-Tainui supports and promotes a co-ordinated, co-operative and collaborative approach to natural resource and environmental management, restoration, responsibilities and care within the Waikato Tainui rohe.

7. Mana whakahaere embodies the authority that Waikato Tainui have established in respect of our environment and we view the holistic integrated management of all elements of the environment such as flora and fauna, land, air and water as of utmost importance. Waikato-Tainui are responsible for protecting and nurturing the mauri of all living things in accordance with tikanga (values, ethics and norms of conduct). Therefore, when exercising mana whakahaere we recognise the intricate balance and integral relationship between all natural resources in the Waikato Tainui rohe. Accordingly, we strive to ensure these tikanga values (including responsibilities) are inherent in all of our actions.

8. Waikato-Tainui has developed a range of formal resource management relationships with different central and local government agencies. For example, our multiple joint management arrangements with local authorities within the Waikato River catchment area, which recognise and provide for Te Ture Whaimana o te Awa o Waikato – The Vision and Strategy for the Waikato River (the Vision and Strategy). Waikato-Tainui welcomes the Waikato District Long-Term Plan that is intended to align and integrate the resource management system to enhance iwi and hapuu participation. We also welcome the Waikato District Long-Term Plan that provides robust and durable planning and environmental outcomes.

9. Equally, Waikato-Tainui opposes any legislative and policy development that may undermine participation in resource management processes that we have achieved to date, either as a result of Treaty settlement legislation or as a function of our relationships.

10. In particular, 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. Equally, in order to ensure that the Vision and Strategy is properly given effect, Waikato Tainui participation in planning processes relating to the Vision and Strategy must not be diluted.

11. Waikato-Tainui is affected by a number of aspects of the Waikato District Long-Term Plan, and we address specific provisions enabling those aspects below.

12. 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.

13. Waikato-Tainui are recognised as kaitiaki of our environment and view the holistic integrated management of all elements of the environment such as flora and fauna, land, air and water as of utmost importance.

14. Waikato-Tainui 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
- Whakatupuranga Waikato-Tainui 2050 – Strategic Plan

## **TAI TUMU, TAI PARI, TAI AO – WAIKATO-TAINUI ENVIRONMENTAL PLAN**

15. This Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao (the 'Plan'), is developed out of Whakatupuranga 2050. The Plan is 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.

16. 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.

17. Waikato-Tainui acknowledges that there may be more than one agency involved in the successful achievement of the Plan's objectives due to the 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 Plan's objectives.

18. 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.

## **WHAKATUPURANGA WAIKATO-TAINUI 2050**

19. Whakatupuranga Waikato-Tainui 2050 is the strategic plan blue print for the cultural, social and economic advancement of Waikato-Tainui. Its vision is to grow a prosperous, healthy, vibrant, innovative and culturally strong iwi. Its mission is for the iwi to grow, prosper and sustain.

20. The strategic objectives of the plan are:

- To retain our historical role as Kaitiaki o te Kiingitanga
- To ensure Kiingitanga remains an eternal symbol of unity
- To preserve our tribal heritage, reo and tikanga
- To grow our tribal estate and manage our natural resources
- To succeed in all forms of education and training
- To be global leaders in research excellence
- To grow leaders
- To develop self-sufficient marae
- To advance the social development of our people
- To develop and sustain our economic capacity

22. The Whakatupuranga Waikato-Tainui 2050 priorities for 2015-2017 are highlighted in Appendix 2.

## **TE TURE WHAIMANA WAIKATO RIVER VISION AND STRATEGY**

23. Te Ture Whaimana is intended to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the River.

24. 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.

25. Resource management, use, and activities within the Waikato River catchment in the Waikato-Tainui rohe is to be consistent with Te Ture Whaimana.

## **CROWN IWI ACCORDS**

26. The Accords reflect a commitment between the Crown and Waikato-Tainui to enter a new 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.

27. The Accords set out how Waikato-Tainui and the Accord partners will establish and maintain a positive, co-operative and enduring relationship regarding the matters set out in the Accords that directly impact the health and wellbeing of the Waikato River in the specified Accord areas.

28. The Accords also ensure that the Crown, through the respective Accord partners, will recognise the exercise of Mana Whakahaere by Waikato-Tainui in relation to the Waikato River.

29. The following Accords are:

- Local Government Accord
- Crown Land Accord
- Land Information Accord
- Environmental Accord
- Energy Accord
- Agriculture, Forestry & Biosecurity Accord
- Agriculture, Forestry & Biosecurity Accord – Director General
- Maaori Affairs Accord
- Taonga Tuku Iho Accord
- Fisheries Accord
- Conservation Accord



- Kiingitanga Accord
- Pouherenga Taonga Memorandum of Understanding

## **JOINT MANAGEMENT AGREEMENTS (JMAs)**

30. The Waikato River Settlement provides for the establishment of Joint Management Agreements (JMAs) between local authorities and Waikato-Tainui.

31. The settlement requires the Waikato Regional Council and territorial authorities, Hamilton City Council, the Waikato District Council and the Waipaa District Council and Waikato-Tainui to enter into a JMA with respect to the Waikato River and activities within its catchment affecting the river.

32. The JMAs provide Waikato-Tainui the opportunity to sit at the table with local authorities and participate in the local government activities so far as they relate to the Waikato River.

## **SPECIFIC WAIKATO-TANUI FEEDBACK**

### **TANGATA WHENUA SECTION**

33. Waikato-Tainui 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 Waikato-Tainui 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.

34. 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. To this point, Waikato-Tainui 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 Maaori owned land.

35. Waikato-Tainui expect beyond the clear statutory responsibilities that Waikato District Council has in implementing Treaty settlements discussed above, Waikato District Council will having 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, 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 mitigated adverse effects on the environment, but to act in a manner that enhances an environment for the betterment of the natural resource.

36. Waikato-Tainui would expect that Waikato District Council would be looking to Maatauranga Maaori to remedy adverse effects of development. Mautauranga 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.

37. There may be future opportunities for Waikato-Tainui and Waikato District Council, to develop initiatives and programmes of work where marae and Maaori 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 Maatuaranga Maaori.**
- 3. Engage with Waikato-Tainui 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

38. Waikato-Tainui support Waikato District Council in their efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes. Waikato-Tainui also support the efforts to engage experts in this field and with mana whenua. However, Waikato-Tainui 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. Waikato-Tainui beyond the discussion below, fundamentally do not believe that parts of the Waikato River can be cut into sections and not viewed holistically.

39. 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.

40. 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.*

41. 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.

42. 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.

43. 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.

44. The proposed plan and maps provide for the Waikato River as an ONF, only from the river Delta to inside the river mouth. Waikato-Tainui 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 kaainga (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'*

45. Waikato-Tainui 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.

46. 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 Waikato-Tainui 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.**

## **HOPUHOPU ZONING**

47. Waikato- Tainui seek to clarify and remedy an administrative error that has seen 333 Old Taupiri Road and 467 Hakarimata Road, both referenced under the same property description and title number SA57C/456. The Hakarimata Road address was a pre-1900 paa site, the Old Taupiri Road site (Hopuhopu) was not. This places overly restrictive controls on this site and no historical Pa site zoning should apply or whatever the new definition or zoning is applied to this site.

48. To remove the above confusion and to provide clarity around future uses, Waikato-Tainui consider that providing for a Hophopu Zone is appropriate. The variety of activities that currently occur at Hopuhopu and the future aspirations for the site, demand greater clarity.

49. Waikato-Tainui consider 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.

**Relief Sought:**

- 1. AMEND the description of 333 Old Taupiri Road to remove the incorrect reference to a Paa site.**
- 2. AMEND the Proposed Waikato District Plan to include a specific Hopuhopu Zone for 333 Old Taupiri Road.**

## **CONCEPT MANAGEMENT PLANS FOR MAAORI FREEHOLD LAND**

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

51. Waikato-Tainui, having had further 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, 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 applications to satisfy district plan requirements.

52. Waikato-Tainui are of the opinion that the development and process of Concept Management Plans requires greater explanation in the proposed district plan. Whilst Waikato-Tainui support ease of development on marae and Maaori freehold land, the potential still remains for a lengthy consenting process. Further to this point, Waikato-Tainui 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. Waikato-Tainui 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.

53. Aside from the RMA issues around Concept Management Plans, Waikato-Tainui 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**

54. Waikato-Tainui 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.

55. 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.

56. Waikato-Tainui also seek the definitions that apply to Maaori land are clarified. Some definitions remain undefined and very broad. Waikato Tainui 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 Marae Complex to read: *Means a group of buildings that constitutes a marae and can be made up of a wharenuui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenuui), urupaa (graveyard), tuaahu (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.*
3. **AMEND** the definition of Maaori Freehold Land within Chapter 13 to ensure consistency with section 129(2)(b) of the Te Ture Whenua Maaori 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 Maaori Act 1993.

## STRUCTURE PLANS

57. Waikato-Tainui 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 staff, Waikato-Tainui understand a 'Blueprinting' exercise is currently underway and will provide the basis for any future structure plans. Whilst Waikato-Tainui support this initiative, especially considering the growth challenges that the district faces in the north; Waikato-Tainui 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 Waikato-Tainui is the Blueprinting exercise and potential structure plans will require plan change processes 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.

58. Waikato-Tainui are also 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.

**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 and Maatauranga Maaori.**

**EARTHWORKS AND THE WAIKATO RIVER**

59. The proposed Waikato District Plan provides for Earthworks in specific zones. The concern for Waikato-Tainui, 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.

60. Waikato-Tainui 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 MAAORI**

61. Earthworks on Maaori Sites of Significance and Maaori Areas of significance are a restricted discretionary activity. Waikato-Tainui 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**

62. 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.

63. Waikato-Tainui support the ability to clear indigenous vegetation for the purpose of establishing these activities on Maaori Freehold Land or Maaori Customary Land. However, Waikato-Tainui 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.**

64. 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.

## **LOW IMPACT DESIGN**

65. Waikato-Tainui seek that the proposed district plan utilise Low Impact Design in all new developments. Waikato-Tainui seeks clarification as to why WDC would not be seeking best practice low impact design for the management of stormwater to reduce the demand and load on existing infrastructure. The language currently used references low impact design 'where appropriate', understanding of where it would not be appropriate is sought by Waikato-Tainui. An example of this is in 14.11 Water, wastewater and stormwater.

### **Relief sought:**

- 1. AMEND Policy 4.7.3 Residential subdivision, Clause (xvi) to refer to low impact stormwater design, this would improve consistency with Policy 6.4.7 Stormwater which does mention low impact design being adopted where appropriate.**
- 2. Clarify situations where low impact design is not appropriate, as provided for in the Proposed District Plan.**

## **LIVE ZONING**

66. The Proposed Waikato District Plan 'live zones' or assigns Residential Zoning to areas of land that were previously Rural Zoned/ 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 WDC currently have and are facing in the future, it seems almost impossible that WDC infrastructure will be able to cope with the live zoning of the district.

67. Waikato-Tainui are concerned that live zoning will create an expectation, that the Waikato River will be absorb greater volumes of wastewater and stormwater discharge, an expectation that 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.

**Relief sought:**

- 1. AMEND the proposed District Plan to re instate deferred zoning to a point in time when WDC have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.**

## **INFRASTRUCTURE AND ENERGY**

68. Chapter 14 Infrastructure and Energy states in the first paragraph that the zone chapters and 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.

69. Waikato-Tainui seek clarity as 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.

70. Without clear provisions regarding infrastructure and energy activities in Maaori Areas of Significance or Maaori Sites of Significance there is a risk that these areas and sites may be adversely effected 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.

**Relief sought:**

- 1. Amend Chapter 14 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 making amendments to the activity status, rules and defining terms such as 'identified areas'.**

## NATURAL HAZARDS

71. Waikato-Tainui 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, Waikato-Tainui 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. Waikato-Tainui 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.**

## GENETIC MODIFIED ORGANISMS (GMOs)

72. Waikato-Tainui are concerned about the potential risks posed by releasing GMOs into the environment. It considers that 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.

73. Equally important is the risk to social, economic, and cultural wellbeing, even if the Waikato District Council considers that GMOs pose no biological or ecosystem risks. This is because GMO contamination could have significant adverse effects on the economic markets, and way of life, for both organic and non-GMO food producers, and the mauri and tikanga of tangata whenua.

74. The Waikato Tainui Environmental Plan takes a precautionary approach to GMOs. It specifies that applications for new organisms and GMOs must demonstrate that there are no risks to humans, indigenous ecosystems, indigenous species, or primary production.

75. The Draft Maniapoto Environment Plan also takes a precautionary approach to GMOs. It 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.

76. 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.

**Relief Sought:**

- 1. Adopt clear provisions to include precautionary policies to regulate the outdoor use of genetically modified organisms, and to prohibit the release of GMOs on land and to make field trials a discretionary activity with performance standards in regard to liability and the posting of bonds.**

## **CONCLUSION**

77. This submission outlines the views, concerns and recommendations of Waikato-Tainui regarding the Waikato District Council Long Term Plan 2018-28.

77. There needs to be further consideration given to ensuring District Plans are progressed in an integrated and holistic way. It is particularly important that changes intended to promote residential economic development are balanced and do not undermine the existing environmental principles of the freshwater management regime.

78. Waikato-Tainui would like to be heard on this matter.

**DATED:** 28 July 2016

**WAIKATO TAINUI TE WHAKAKITENGA O WAIKATO INC**

By its Project Environmental Advisor;



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Lorraine Dixon

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ECM # .....  
Submission # 286  
Customer # 130250  
Property # N/A

**Addendum**  
to the  
**Waikato-Tainui Submission**  
on the  
**Proposed Waikato District Council  
Long Term Plan**

**Submission to the Waikato District Council**

## Submission on Proposed Waikato District Plan - Hopuhopu

*The decision sought: Amend the proposed district plan by adding provisions to enable land in Te Wherowhero title at Hopuhopu to be planned for, developed and used in accordance with their mandate, by including these provisions, or provisions to like effect:*

### Chapter 2 Tangata Whenua

#### Add to 2.5 Understanding Maaori Land Ownership, after (a):

(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.

#### Add to 2.6 Powers to set aside Maaori Land for special purposes, after (a):

(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.

#### Add to 2.8 Concept Management Plan, after (b):

(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.

#### Add to 2.13.1 Policy Tangata Whenuatanga (utilisation by landowners), after 3:

4. That the Te Wherowhero title at Hopuhopu can be sustainably used and developed

## Chapter 5 Rural Environment

### Add new policy, after 5.3.17:

#### 5.3.18 – Policy – Specific Area - Hopuhopu

- (a) 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 papakaainga housing development according to customs and practices.

## Chapter 22 Rural Zone

Add new section to Chapter 22, after 22.8:

### “22.9 Specific Area – Hopuhopu

#### 22.9.1 Application of Rules

(a) The rules that apply to the Hopuhopu specific area **as identified on the planning maps** are as follows:

- (i) Rule 22.1 Land Use – Activities, and the additional permitted and discretionary activities identified in rules 22.9.2 and 22.9.3;
- (ii) Rule 22.2 Land Use – Effects;
- (iii) Rule 22.3 Land Use – Building; and
- (iv) Rule 22.4 – Subdivision.

#### “22.9.2 Permitted Activities – Hopuhopu

(a) Additional permitted activities at Hopuhopu:

Activity		Activity specific conditions
P1	Education facilities	A concept management plan is provided.
P2	Marae complex	
P3	Papakaainga Housing Development and Papakaainga building	
P4	Place of assembly	
P5	Hauora	
P6	Recreational facility	
P7	Cultural events	Nil
P8	Sports	Nil
P9	Informal recreation	Nil
P10	Water bulk storage infrastructure and associated easements.	Nil

#### “22.9.3 Discretionary Activities – Hopuhopu

(a)The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an activity specific condition in Rule 22.9.2.”
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### **Planning maps**

ADD:

Map identification of the Hopuhopu Specific Area.

### **Chapter 13 Definitions**

ADD:

Hopuhopu specific area means the area shown on the planning maps.

### **Reasons for the above submission:**

These changes to the proposed Waikato District Plan are 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. At the same time, 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. Under the submitted rules, Hopuhopu will enjoy the permitted activities given to Maaori freehold land by the proposed plan, and restore some permitted activities lost from the Pa Zone.

The submitter raises no objection to areas of Hopuhopu in the Residential and Business Zones being managed under the ordinary rules of those zones, continuing the approach of the operative district plan.

Signed by

Date

\_\_\_\_\_  
Tipa Mahuta  
Deputy Chair – Te Whakakitenga oo Waikato Inc.

9/10/2018