

## **APPENDIX 2: RECOMMENDED AMENDMENTS**

# Chapter I: Introduction

## Proposed Waikato District Plan Stage I

**S42A recommended amendments  
version, including rebuttal evidence and  
right of reply**



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## Key to use of colour

Black text – retained as notified

Green text – as notified, but in a different location within the chapter

Green ~~struckthrough~~ or underlined – Recommended amendments from s42A officer Right of Reply

Blue ~~struckthrough~~ or underlined – Recommended amendments from s42A officer rebuttal evidence

Red ~~struckthrough~~ or underlined – Recommended amendments from s42A report

## Chapter 1: Introduction

### 1.1 ~~What is a district plan?~~ Purpose<sup>1</sup>

- (a) ~~A~~ The Waikato<sup>2</sup> district plan is a document prepared under the Resource Management Act 1991 in conjunction with the community. It sets out a framework for development and the management of resources in the district in a manner that meets the goal of sustainable management of those resources.
- (b) ~~It~~ The district plan ~~must~~<sup>3</sup> includes objectives, policies, and rules to manage the environmental effects of land use activities. It defines the activities that can happen in each zone and gives methods for implementing the policies for the district. Effects are managed differently around the district to reflect the local environmental issues<sup>4</sup>
- (c) Matters included in the district plan relate to land based activities, consideration of future population changes, avoidance of natural hazards, energy and waste management, the effects of housing, business and rural activities, neighbourhoods and communities, recreation and open spaces, transportation and utility services, residential and business design, heritage, district growth and subdivision<sup>5</sup>.
- (d) ~~It provides the foundation for the development of procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan.~~
- (e) ~~The relationship between the district plan and other resource management planning documents is set out in Sections 1.7 to 1.10 of this chapter.~~
- (f) ~~This district plan replaces the district's two previous operative plans, namely the Waikato Section and the Franklin Section of the Waikato District Plan.~~<sup>6</sup>

<sup>1</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>2</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>3</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>4</sup> Moved text from Chapter 1.2(a) of notified version of the proposed Waikato District Plan

<sup>5</sup> Moved text from Chapter 1.2(b) of notified version of the proposed Waikato District Plan

<sup>6</sup> Waikato District Council (697.348)

## 1.2| ~~What is the p~~Purpose of the Waikato District Plan

- ~~(a) The Waikato District Plan ('district plan') promotes the sustainable management of natural and physical resources in the Waikato district, primarily through strategic management of growth and by managing the effects of land use on the environment. The effects are managed differently around the district to reflect the local environmental issues. The district plan responds to the issues in terms of community needs and aspirations. If those needs and aspirations change, then plan changes may be needed.~~
- ~~(b) Matters included in the district plan relate to land-based activities, consideration of future population changes, avoidance of natural hazards, energy and waste management, the effects of housing, business and rural activities, neighbourhoods and communities, recreation and open spaces, transportation and utility services, residential and business design, heritage, district growth and subdivision.<sup>7</sup>~~
- ~~(c) The district plan applies to the whole of the Waikato district. The district covers an area of 3,188 square kilometres, extending from Miranda in the northeast to the Aotea Harbour in the south-west. It is located within the greater Waikato region and has several rural territorial authorities on its boundary. The district is located between two large urban centres – Auckland, with a population of over 1 million people and lies to the north, and Hamilton with a population of over 110,000, which lies<sup>8</sup> to the south. These population centres have both positive and negative influences on the district.~~

## 1.3 Background

- ~~(a) In November 2010, Waikato District Council inherited a part of the Franklin district as result of the 'super-city' changes for Auckland city.~~
- ~~(b) The district plan needs to provide a balance between urban and rural growth in a way that manages the effects on the environment, as well as the effects they have on each other.~~
- ~~(c) Many of the wider issues identified in the district plan are also managed and influenced to some degree by other organisations, including through their planning documents. A collaborative partnership approach was taken to the drafting of the plan. This included the Council, Iwi Reference Group, Waikato Regional Council, New Zealand Transport Agency and the community through roadshows. This process ensured that the district plan is consistent with and gives effect to the relevant statutory plans and documents, and integrates with the responsibilities of other affected organisations.<sup>9</sup>~~

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<sup>7</sup> Waikato District Council (697.348)

<sup>8</sup> Waikato District Council (697.348)

<sup>9</sup> Waikato District Council (697.348)

## **1.42 Description of the district<sup>10</sup> and issues for Waikato district**

- (a) ~~The district plan applies to the whole of the Waikato district. The district covers an area of 3,188 square kilometres, extending from Miranda in the northeast to the Aotea Harbour in the south-west. It is located within the greater Waikato region and has several rural territorial authorities on its boundary. The district is located between two large urban centres - Auckland, with a population of over 1 million people and lies to the north, and Hamilton with a population of over 110,000, which lies<sup>11</sup> to the south. These population centres have both positive and negative influences on the district.<sup>12</sup>~~
- (b) ~~In November 2010, Waikato District Council inherited a part of the Franklin district as result of the 'super-city' changes for Auckland city.<sup>13</sup>~~

### **1.42.1 Demography<sup>14</sup>**

- (a) ~~Waikato district has a population of 73,600 (2017) and the population is expected to reach approximately 147,000 in the year 2063, with a consequent increase in the demand for land, infrastructure, services and amenities Statistics New Zealand (2014), Infometrics for E Tu Waikato (2014) and the National Institute for Demographic and Economic Analysis. The following trends in the population of the district are likely to have an impact on the future development of the district.<sup>15</sup>~~

#### **1.42.1.1 Ageing population**

- (b) ~~The population of the district, region, and country is ageing. Deaths should outnumber births by the early 2040s and by 2042 more than a quarter of the country's population will be over sixty-five years of age. However, e~~Even though the population of the district is ageing, the total population is projected to continue to grow over the next thirty years due to natural increase and in-migration.

#### **1.42.1.2 In-migration to the district**

- (a) ~~There is significant development pressure pushing into Waikato district from Auckland's southern area, which needs to accommodate 145,000 new dwellings in the next thirty years (or 36% of Auckland's growth). Towns near the Waikato-Auckland boundary have a common future as residential and business growth nodes. Any constraints on Auckland's ability to cater for its continued growth in the Franklin Local Board area (i.e. Pukekohe, Drury) will have spill over effects into Waikato's northern towns, adding an upside risk to current population projections for these towns.<sup>16</sup>~~

#### **1.42.1.3 Uneven population growth across the district**

- (a) ~~The spatial distribution of growth is expected to be very uneven over the next twenty years, with higher rates of population and dwelling growth in the northern urban towns of Pokeno, Tuakau, and Te Kauwhata, and in the south, in Tamahere and the 'Hamilton-periphery' area. By comparison, the central area of the district is projected to remain fairly static. People are~~

<sup>10</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>11</sup> Waikato District Council (697.348)

<sup>12</sup> Moved text from Chapter 1.2(c) of notified version of the proposed Waikato District Plan

<sup>13</sup> Moved text from Chapter 1.3(b) of notified version of the proposed Waikato District Plan

<sup>14</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>15</sup> Waikato District Council (697.348)

<sup>16</sup> Waikato District Council (697.348)

drawn to the greater economic opportunities, connectivity, and access to services of urban areas, and particularly to larger urban areas. ~~Another trend is the depopulation of the more remote rural areas that is expected to continue with ageing of the population. This trend could be accentuated with the Waikato Expressway by passing the central Waikato towns of Huntly and Ngaruawahia.~~<sup>17</sup>

## **I.42.2 Economic growth and sectors**

- (a) ~~The New Zealand economy has grown by 2.5 % per annum over the last decade, but expanded by 2.7% over the year to March 2017 – its fastest pace of growth since 2008 (Infometrics 2014).~~<sup>18</sup> The Waikato Region contributes about 9% to New Zealand's gross domestic product (GDP) and has grown by 2.1% p.a. over the last decade (Waikato Economic Development Strategy 2013). Of New Zealand's regions, Waikato makes the fourth-largest contribution to the New Zealand economy behind Auckland, Canterbury, and Wellington respectively. Economic growth in Waikato district has averaged 0.8% p.a. over the past decade. The economic growth can be largely attributed to primary industry, which as of 2014 accounts for more than a third of the district's GDP (Waikato District Annual Economic Profile, Infometrics 2014).
- (b) ~~The tourism industry contributed 1.4% to Waikato district's economy in 2016, which was up on the previous ten years. The economic output in Waikato district's tourism industry increased by 1.2% in 2016, against a 3.1% increase in New Zealand. The growth of the tourism industry in Waikato district has averaged 5.7% over the last ten years, compared with only 1.6% in New Zealand as a whole.~~<sup>19</sup>

### **I. 42.2.1 Economic sectors**

- (c) ~~The Waikato district economy is based around the primary sector, particularly dairying, sheep, and beef farming, together with horticulture, other livestock farming and services to the agricultural and forestry sectors. Pastoral farming has been the mainstay of the economy for over 100 years. The combined Agriculture, Forestry and Fishing sector accounts for 29% of employment (2016) and 35% of business units, ahead of construction and manufacturing (both 11% of employment), population-based services of education (8%), trades (6%), and health (5%).~~<sup>20</sup>
- (d) ~~The structure of the economy is consistent with Waikato district's size and resource base, and its location relative to two much larger urban economies – Hamilton City in the south and Auckland to the north. These larger urban economies Auckland and Hamilton<sup>21</sup> have long been the destination for much of Waikato's primary production – to be processed together with that from other rural economies in the Waikato region – and the large service centres from which the Waikato community draws many of its retail goods and the household services. Only those services for which proximity to the resident population is important – school education and health services – have a moderate presence in Waikato itself.~~
- (e) ~~This pattern is also consistent with the geography of the district. The relatively sparse population supported by the hill country in the west, and the natural orientation to towns outside the district for farming areas in the north (Pukekohe) and east (Morrinsville), together with the presence of the larger urban economies, has meant that Waikato has only~~

<sup>17</sup> Waikato District Council (697.348)

<sup>18</sup> Waikato District Council (697.348)

<sup>19</sup> Moved text from Chapter 1.5.7.8 of notified version of the proposed Waikato District Plan

<sup>20</sup> Waikato District Council (697.348)

<sup>21</sup> Waikato District Council (697.348) and RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

~~six towns of substantial size, and these have predominantly farm and population-servicing roles.<sup>22</sup>~~

#### **~~I. 42.2.2 Advantages~~**

- (f) From an economic perspective the district has a number of strategic advantages, including:
  - (i) good 'locational efficiency' in relation to distance from and accessibility to the proposed Ruakura hub;
  - (ii) main north-south transport corridor (road and rail); and
  - (iii) the ports of Auckland and Tauranga.
- (g) There is a sizeable domestic market of 1.7 million people within an hour's drive of the centre of the district. There is a reasonably high employment growth (1.2% over past ten years) which is consistent with the national average, and relatively good housing affordability well above the national average and with an improving trend.
- (h) ~~Revocation of parts of State Highway 1 will offer opportunities for some town centre improvements and cycle/walk ways.<sup>23</sup>~~ It is important to note that ~~there~~<sup>24</sup> there is a strong cultural identity in the district and the emergence of Te Whakakitenga o Waikato Incorporated – (Waikato-Tainui) as a major economic player is an advantage. Further advantages will become evident with the emergence of other post settlement iwi.

#### **~~I. 42.2.3 Challenges~~**

- (a) ~~Economic development challenges facing the district are as follows:~~
  - (i) ~~Growth across the district is uneven. Population and associated economic growth is occurring predominantly in the north (Tuakau, Pokeno, Te Kauwhata) and in the south around the Hamilton periphery.~~
  - (ii) ~~Industrial diversity and the level of knowledge-intensive employment are low. Most new jobs appear to be in the service (tertiary) sector, whereas many of the industries driving growth in the region are of a primary nature.~~
  - (iii) ~~There are skills constraints, with a relatively low level of people with tertiary qualifications and a high proportion of youth not in employment, education or training.~~
  - (iv) ~~There is a large variation in economic well-being and household income across the district that is likely to remain into the future.~~
  - (v) ~~The ability for the region to manage land and water changes/demands and environmental impacts of extraction across land-based industries may constrain further growth.~~
  - (vi) ~~Soil resources, including soil quality, are under threat due to subdivision and intensification of land use.~~
  - (vii) ~~Environmental limits on water, land, and soils and to a small extent marine space mean that growth in these primary industries will need to come from increasing the value of processed products and services.~~
  - (viii) ~~A decline in the mining sector, with coal resources in particular becoming increasingly difficult and expensive to access, as well as public concerns about the environmental impacts of coal and mineral mining in the region, are a concern, considering its share of the district's GDP.~~

<sup>22</sup> Waikato District Council (697.348)

<sup>23</sup> Waikato District Council (697.348)

<sup>24</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

- ~~(ix) With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment and ensuring the sustainability of ecosystem services<sup>25</sup>.~~
- ~~(x) The retention and development of Maaori Freehold Land in both urban and rural areas<sup>26, 27</sup>~~

### **I.42.3 The Rural and urban environment**

- ~~(a) The district benefits from an extensive rural area which contains a range of attributes necessary for productive rural activities, including a variety of soils, mineral resources and landscapes that are able to sustain a diverse range of economic activities. A productive rural area is important to the economic health of the district and wider subregion, and needs to be recognised as a productive resource.~~
- ~~(b) In addition, the rural parts of the district are valued for their landscape, character and amenity values.~~
- ~~(c) The relatively sparse population supported by the hill country in the west, and the natural orientation to towns outside the district for farming areas in the north (Pukekohe) and east (Morrinsville), together with the presence of the larger urban economies, has meant that Waikato has only six towns of substantial size, and these have predominantly farm and population-servicing roles.<sup>29</sup>~~

#### **I.42.3.1 Rural activities**

- ~~(d) Productive rural activities are those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting.<sup>30</sup> Farming Rural<sup>31</sup> activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district. These activities may also provide tourism opportunities to showcase the districts rural character and activities.<sup>32</sup> The Waikato district also offers other facilities such as Hampton Downs Motorsport Park, Hampton Downs Landfill, Springhill Prison and Te Kowhai Airfield.<sup>33</sup>~~
- ~~(e) Rural-based activities that do not use rural resources directly include rural service industries and major facilities such as Hampton Downs.<sup>34</sup> The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism, and for the benefit of residents within the district, including those living in urban areas<sup>35</sup>. Lifestyle uses can be sensitive to the effects of mining, farming and horticulture operations and other significant activities. There is therefore potential for conflict between rural activities and other land uses. Excessive lifestyle development in rural areas can have a number of adverse effects that~~

<sup>25</sup> Middlemiss Farm Holdings Limited (794.1)

<sup>26</sup> Tainui (942.35)

<sup>27</sup> Waikato District Council (697.348)

<sup>28</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>29</sup> Moved text from Chapter 1.4.2.1(c) of notified version of the proposed Waikato District Plan

<sup>30</sup> Waikato District Council (697.348)

<sup>31</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>32</sup> Tata Valley Limited (574.8)

<sup>33</sup> Moved text from Chapter 1.5.4(a) of notified version of the proposed Waikato District Plan

<sup>34</sup> Waikato District Council (697.348)

<sup>35</sup> Auckland Waikato Fish and Game Council (433.32)

~~need to be avoided. These effects include the fragmentation of rural land<sup>36</sup>, loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas.~~

- ~~(f) Rural areas are vulnerable to small-scale change that, cumulatively, can have a profound effect on their efficient use for rural production and other rural activities. The continued modification of the rural environment through land use subdivision, and development as a result of residential and commercial growth, can adversely affect their<sup>37</sup> natural and physical qualities and character. These qualities and character are important in maintaining investment in rural activities, which proportionally contribute the most to the district's GDP and provide a context to the development and sustainability of rural towns and villages.<sup>38</sup>~~

### **1. 42.3.2 Protecting the rural environment**

- ~~(a) The continued use of rural areas for productive rural activities and other land and soil resource-dependent rural-based activities, as well as access to and the extraction of mineral resources, are important to the economic health and well-being of the district and wider subregion. It is therefore necessary to ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by lifestyle activities. A key focus is to ensure that the resource does not become so fragmented that its attraction for activities that require a rural setting is diminished.<sup>39</sup>~~
- ~~(b) Activities affecting landscape, historic and amenity values including rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid, remedy or mitigate<sup>40</sup> adverse effects on the environment, including cumulative effects. This should occur through limiting the extent to which non-rural activities are able to establish in the Rural Zone.<sup>41</sup> There is a need to uphold the increased level of control the Council has placed over subdivision activities in the Rural and Country Living Zones, particularly within the north Waikato and around the Hamilton City boundary. Any additional areas for rural residential development should be considered within identified growth areas of towns or villages. Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised.<sup>42</sup>~~
- ~~(c) In line with the Regional Policy Statement, the district plan must ensure that rural-residential built development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on high class soils, electricity transmission, and locations identified as likely renewable energy generation sites and from identified significant mineral resources and their identified access routes.~~

### **1. 42.4 The urban environment**

- ~~(a) A key issue for the district is to maintain the productive capacity of the rural resource and ensure that population growth and associated built development is managed in a way that results in efficient and high amenity urban areas. Development needs to be managed so that emphasis is placed on achieving high amenity standards, while retaining existing valued~~

<sup>36</sup> Hamilton City Council (535.35)

<sup>37</sup> Middlemiss Holdings Limited (794.3) – Evidence of Shane Hartley

<sup>38</sup> Waikato District Council (697.348)

<sup>39</sup> Waikato District Council (697.348)

<sup>40</sup> Federated Farmers of New Zealand (680.11)

<sup>41</sup> Waikato District Council (697.348)

<sup>42</sup> Transpower New Zealand Ltd (576.49)

characteristics as far as practicable. In these areas, development can support local infrastructure, services, and other facilities, while at the same time minimising adverse effects on productive rural activities. Commercial activity should be of a size or function that does not compromise the vitality and viability of the primary commercial centres. It is also important that we take a 'centres-based' approach to retail as per the Waikato Regional Policy Statement (WRPS). A range of housing options should be provided for, with varying land values and amenities.<sup>43</sup>

- (b) Costs and inefficiencies can increase significantly, where development patterns are dispersed. For example, unplanned development, which increases vehicle traffic, may reduce roading efficiency and road safety, compromise rail operations and result in unplanned roading upgrades. Costs can be minimised, and better performance of infrastructure and services achieved, where infrastructure provision is timely in relation to demand, and optimally-sized and located. This may mean that it is necessary to stage infrastructure provision relative to growth in demand as well as ensuring that the natural environment is maintained and enhanced through Low Impact Design infrastructure.<sup>44</sup>

#### **1.4.5 Māori Freehold Land**

The plan seeks to acknowledge Māori Freehold and Māori Customary Land. The Māori Land Court has the authority under Ture Whenua Act to determine activity use and status of Māori land.<sup>45</sup>

#### **1.4.5 Historic Heritage**

- (g) The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. The finite Hheritage resources, some of which are often fragile and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant historic heritage resources are recognised and protected so they are retained for both present and future generations.<sup>46</sup>

#### **1.53 What does this mean for Waikato district strategic objectives and directions<sup>47</sup>?**

##### **1.53.1 Compact urban development**

- (a) The Future Proof Strategy seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%)<sup>48</sup>. This involves a reduction in the relative share of the population outside of the subregion's existing major settlements through tighter control over rural residential development and encouraging greater urban densities in existing settlements. Due to the time that has elapsed, and local government amalgamation in 2010, this strategy is being reviewed to address that part of the former Franklin district now in Waikato district.

<sup>43</sup> Waikato District Council (697.348)

<sup>44</sup> Waikato District Council (697.348)

<sup>45</sup> Waikato District Council (697.348)

<sup>46</sup> Heritage New Zealand (559.6)

<sup>47</sup> Waikato District Council (697.348)

<sup>48</sup> Hamilton City Council (535.37)

- (b) Urban forms of residential, industrial, and commercial growth in the district will be focused primarily into towns and villages, with rural residential development occurring in Country Living Zones. Focusing urban forms of growth primarily into towns and villages, and encouraging a compact form of urban development, provides opportunity for residents to “live, work and play” in their local area, minimises the necessity to travel, and supports public transport opportunities, public facilities and services.
- (c) An integrated approach to growth will have significant benefits in terms of planning for infrastructure, services, transport and facilities. It will ensure that provision is made when and where it will support the health and well-being of the wider community, and will provide certainty to landowners, developers and service providers for long-term investment decisions. A deliberate approach to the location and distribution of development will assist in safeguarding rural resources for productive use and the ability to accommodate rural activities that require a rural location. Non-rural industrial and commercial activities can only locate in rural areas if there is a functional need for a rural location. Country Living zones, where infrastructure and services can be efficiently and economically provided, will be the focus for rural residential development.<sup>49</sup>

### 1. 53.2 Planning for urban growth and development

- (a) Defined growth areas have been zoned and their development will be guided through the application of objectives and policies and through processes such as the development of master plans, comprehensive structure plans, the district plan and any future changes to the district plan. The agreed Future Proof settlement pattern for urban growth and development is to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.
- (b) As per the Waikato Regional Policy Statement, the district plan ensures that before land is rezoned for urban development, urban development planning mechanisms such as master plans or structure plans are produced, that will facilitate proactive decisions about the future location of urban development. Development which occurs in accordance with a master plan developed in consultation with the local community is one way of ensuring that valued elements of local character are respected as growth occurs. Structure plans are to be used to guide the staged provision of additional urban land and infrastructure to support areas experiencing growth or sustaining population and business growth pressures.<sup>51</sup>

### 1. 53.3 Cross-boundary issues

- (a) Social, economic, environmental and cultural issues can seldom be compartmentalised by political boundaries. There are numerous situations where a resource management issue occurs across the administrative boundaries of two or more councils requiring intervention by the respective councils. It is important that cross-boundary issues are dealt with in a coordinated and integrated manner by the territorial and regional authorities involved. Sometimes this means that applicants must apply to more than one authority for consent, and coordination between those authorities is necessary for integrated decision-making.
- (b) Cross-boundary issues impact the Waikato district by virtue of it being located between two growing cities – Auckland in the north and Hamilton in the south. Where an application for a resource consent, plan change, variation or resource management policy proposal includes a cross-boundary issue, the Council will inform and liaise with the other affected Council. Some types of infrastructure raise cross-boundary issues where they traverse the boundaries of district or regional councils. The degree of consistency in the application of a

<sup>49</sup> Waikato District Council (697.349)

<sup>50</sup> Waikato District Council (697.349)

<sup>51</sup> Waikato District Council (697.349)

resource management approach by authorities, in dealing with adverse effects that cross territorial boundaries, is key.<sup>52</sup>

#### **1.53.4 Urban growth**

- (a) Located between Auckland in the north and Hamilton in the south, increasing demands are placed on the Waikato district for the development of transport corridors, water supply, waste disposal and community facilities. Waikato district also offers other facilities such as Hampton Downs Motorsport Park, Hampton Downs Landfill, Springhill Prison and Te Kowhai Airfield. It is important that there is coordination between land use and infrastructure planning by neighbouring councils to ensure harmonious cross-boundary development manage these demands<sup>53</sup>.
- (b) Urban growth can result in unplanned urban expansion, increased rural land subdivision, rural lifestyle demands with associated reverse sensitivity issues and soil erosion compromising access to high quality soil and mineral resources that are of economic importance to the district and the region. The losses of rural land due to urban expansion can also compromise cultural and heritage values. Uncoordinated urban growth can adversely affect the quality, character and vitality of urban environments and undermine the efficient provision and utilisation of infrastructure and services.
- (c) It is important that the district's settlement pattern is consistent with the Future Proof Strategy's compact urban form<sup>54</sup> settlement pattern, as set out in the (RPS), with the expectation that any growth within Waikato district is managed within the population and land allocation limits, as included within in accordance with the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made to the WRPS.<sup>55-56</sup>

#### **1.53.54 Services and general infrastructure, transport and logistics<sup>57</sup>**

- (a) Infrastructure and services are costly to provide, and the cost of their continued maintenance and renewal is generally borne by the community. Development patterns that promote the efficient use of new and existing infrastructure and services across boundaries<sup>58</sup> can contribute significantly to improved cost-effectiveness, to the general health and well-being of communities and help safeguard the environment. Inappropriate subdivision and use and development of land can adversely affect the efficient provision and use of existing and planned subregional and regional infrastructure and services, due to unanticipated demands and reverse sensitivity issues.
- (b) It is important that the district share the provision of core services with neighbouring council service providers, particularly in the north and south.<sup>59</sup> A strategic approach to growth is needed to ensure that infrastructure and services are provided in a timely and economical manner, and that growth establishes patterns of development that will be sustainable over the long term. This may involve sharing of core services with neighbouring council service providers<sup>60</sup>.
- (c) Council's 30-year District Development Strategy, the 10-year Long Term Plan and its associated Financial Strategy and 30-year Infrastructure Strategy, serve to do just this.

<sup>52</sup> Waikato District Council (697.349)

<sup>53</sup> Hamilton City Council (535.42)

<sup>54</sup> Housing NZ(749.91)

<sup>55</sup> Anna Noakes (524.8) and The Withers Family Trust (598.3)

<sup>56</sup> Waikato District Council (697.349)

<sup>57</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>58</sup> Hamilton City Council (535.45, 535.46, 535.92)

<sup>59</sup> Hamilton City Council (535.45, 535.46, 535.92)

<sup>60</sup> Hamilton City Council (535.45, 535.46, 535.92)

~~Growth should be managed in a manner that avoids, remedies or mitigates conflicts or incompatibilities (including reverse sensitivity effects) between new land use and either existing or regionally-planned significant infrastructure. A degree of consistency must be maintained in dealing with the effects of activities which straddle territorial boundaries, such as highways and roads, electricity transmission lines, telecommunication lines, and gas pipelines.~~

- ~~(d) Additionally, it is desirable that a consistent approach be maintained across boundaries to any necessary constraints on land use adjacent to the infrastructure. <sup>61</sup>The district needs to ensure the protection of regionally and nationally-significant infrastructure, i.e. e.g. <sup>62</sup> road and rail transport corridors, gas and transmission corridors and water infrastructure. It is important that any impacts on regionally-significant infrastructure (e.g. the Waikato Expressway) are addressed. Long-term planning considerations for infrastructure in identified growth areas in the south of the district need to take into account the outcomes of the Southern Growth Corridor Strategic Land Use and Infrastructure Plan (SLIP).~~
- ~~(e) In considering cross-boundary issues, Council will encourage consultation between the organisations responsible for the infrastructure, developers, adjoining landowners, and iwi and adjoining consent authorities.~~
- ~~(f) There are key transmission lines located in the district. The lines are critical for ensuring an efficient and secure supply of electricity throughout the district and beyond. In accordance with the National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement, the Council is required to manage development to ensure that any third-party subdivision, land use and <sup>63</sup> development in the transmission corridor does not affect the ongoing operation, maintenance, upgrading, and development of the lines or result in any incompatibility or reverse sensitivity effects. It is important that Council manages third-party activities subdivision, land use and development <sup>64</sup> in the vicinity of these lines as there could be significant impact on the reliability of electricity supply for the whole district and beyond if lines are damaged or their operation or ability to upgrade to meet demand is inappropriately constrained. Waikato District Council will continue to work with its Future Proof Strategy partners, Auckland Council and other infrastructure providers to ensure that growth and development occur in a planned, integrated, and sustainable manner.~~
- ~~(g) The key benefit of regional collaboration and integration is the ability to reduce the cost of the infrastructure needed to deliver future levels of service and meet demand. (e.g. by making infrastructure provision more efficient) and preserving the efficiency of the road transport network, hence the freight competitiveness of the district. The downside risk associated with any land use control is that tighter controls can deter investment that does not fit the planned settlement patterns either within the Future Proof Strategy subregion or between northern Waikato and southern Auckland.~~

### **1.53.6 Transport and logistics**

- (a) The central geographic location of the district means that it acts as a significant transport network based on road, rail, and air. ~~There is a need to promote a more regional and holistic consideration of the interactions between land use and transport infrastructure. Roading networks (particularly state highways) that cross district boundaries and are impacted by activities beyond Waikato district. <sup>65</sup>The major routes are State Highway 1, which runs north to south through the district, and State Highway 2, which travels west to east across the Hauraki Plains to Tauranga and beyond. These highways provide for~~

<sup>61</sup> Waikato District Council (697.349)

<sup>62</sup> Genesis Energy Limited (924.4)

<sup>63</sup> Transpower (576.4)

<sup>64</sup> Transpower (576.4)

<sup>65</sup> Waikato District Council (697.349)

transportation needs in the district, including farming, forestry, and mineral extraction. The highways also carry large daily traffic volumes, and significant numbers of heavy vehicles for the movement of people, goods, and services to the main centres of Auckland, Hamilton, the Port of Tauranga and throughout the North Island.

- (b) The NZ Transport Agency is currently constructing the Waikato Expressway as one of the National Roads of Significance, and this will be completed in 2020. Waikato District Council will have an additional 87km of former state highway network to manage and maintain. ~~This additional road infrastructure will have a significant financial and maintenance challenge for the Council. An associated challenge for Council will be to provide fit-for-purpose links from residential and commercial areas to the Waikato Expressway. Improving the safety of the district's roads will continue to be an important priority for Council and will need to involve collaboration with neighbouring councils, where appropriate.~~
- (c) ~~Enabling growth without sufficient provision for suitable transport, and planning transport networks, which do not adequately service anticipated growth, leads to a range of undesirable outcomes for communities. Waikato Regional Council will ensure that the Regional Land Transport Strategy Plan<sup>66</sup> includes provisions to support the protection of the function of significant transport corridors. Public passenger transport will be supported by urban subdivision designs that promote efficient transport routes.~~<sup>67</sup>The main trunk railway runs parallel to State Highway 1 from north to south, and the East Coast Main Trunk branch line passes east from Hamilton. The district enjoys excellent road connectivity. The travel time from Auckland to Hamilton is expected to reduce by up to fourteen minutes and Auckland to Cambridge by over 20 minutes upon completion of the Waikato Expressway.
- (d) Additional roading capacity and faster travel times will make the district even more 'location-efficient' for productive activities (agriculture, horticulture, and industry) and as a residential and visitor destination. ~~The Council has also developed a district-level integrated transport strategy to guide ongoing integration of land use and transport across the district, which specifically deals with integration needs between the Waikato Expressway and associated networks, and the implications of the revocation of parts of State Highway 1.~~<sup>68</sup> There is a good rail network for freight, but commuter rail services are non-existent, so Council is advocating with Auckland Council, Auckland Transport, and the New Zealand Transport Agency for consideration to be given to the extension of passenger rail transport between Pukekohe and Pokeno in the near future. ~~Further discussions will need to be held with KiwiRail. It is important for Auckland Council to work collaboratively with Auckland Transport and other partners (including Waikato Regional Council and Waikato District Council) to explore the most cost-effective and equitable methods providing future public transport services to Tuakau and Pokeno.~~<sup>69</sup>
- (e) Walkways and cycle routes supplement vehicle transport routes and provide recreational opportunities, especially by road through-routes and walkway shortcuts. Council is supporting the development of the Te Awa River Ride, which will form part of a nationwide cycle network. Hamilton Airport, located just outside the district, provides national **and international**<sup>70</sup> passenger and freight services. ~~As the Ruakura inland port and the Horotiu Industrial Park developments progress there are likely to be cross-district boundary effects on services and infrastructure and pressure for land use changes.~~<sup>71</sup>

<sup>66</sup> Waikato District Health Board (923.15 and 923.17)

<sup>67</sup> Waikato District Council (697.349)

<sup>68</sup> Waikato District Council (697.349)

<sup>69</sup> Waikato District Council (697.349)

<sup>70</sup> Waikato District Council (697.350)

<sup>71</sup> Waikato District Council (697.349)

## **1.53.7.5 Natural environment**

- (a) ~~The Council will ensure that adjoining authorities and the regional council are informed of all resource consent applications received for vegetation clearance. The location of indigenous vegetation often coincides with areas of outstanding landscape. The criteria used to assess landscape are not entirely consistent among the local authorities in the area, as shown by studies undertaken at different times by different experts. Undoubtedly, there will be subdivision and development proposals requiring a cross boundary discussion on landscape matters during the life of this plan.~~<sup>72</sup>
- (b) (a) Conservation issues addressed in the plan (as part of sustainable management) relate to preserving significant indigenous vegetation and significant habitats of indigenous fauna in existing ecological linkages along the Waipa and Waikato river catchments, hill country bush between Miranda and Aotea Harbour (including the Hunua, Hapuakohe, Taupiri and Hakarimata ranges and Mounts Pirongia and Karioi) lakes and wetlands, including “Ramsar” wetlands. Attention will be given to managing the biodiversity of remaining indigenous vegetation, including wetlands and gullies. ~~The sustainable management process in the plan follows the lead of the New Zealand Biodiversity Strategy, the Draft National Policy Statement on Biodiversity, and the Waikato District Conservation Strategy. Cultural landscapes need to be considered in conjunction with natural landscapes.~~<sup>73</sup>

### **1.53.7.1 Indigenous biodiversity**

- (a) Territorial authorities have responsibilities to provide for indigenous biodiversity. A key focus area of biodiversity management in the district plan is the management of indigenous vegetation. ~~The clearance or modification of indigenous vegetation in the Waikato district could potentially affect areas under the control of other districts and regional councils. The district contains large areas of indigenous vegetation, some of which crosses over into other territorial authority boundaries. Changes to this vegetation could affect neighbouring districts. The Council will continue to liaise with the relevant neighbouring territorial authorities where such issues arise.~~<sup>74</sup>

### **1.53.7.2 Landscape and natural character**

- (a) ~~Landscape means more than just ‘a physical tract of land’ or ‘a view or scene’. Put simply, landscape can be explained as a reflection of the relationship between people and place. All landscapes are dynamic to some extent, as are our perceptions of landscape, which are in a constant state of evolution. While this change is implicit, it is not always predictable. Landscapes can be subject to change from various natural or human-induced processes and change can occur at a range of scales, from incremental to sudden sweeping change. The term ‘natural character’ is used to describe the natural attributes of waterbodies where there is a land-water interface—in particular coastal environments, wetlands, lakes, and rivers. Landscapes and natural character have cross boundary implications and need to be considered in a regional context, as they are not confined to a district’s geographical area.~~<sup>75</sup>

### **1.53.7.3 Water**

- (a) ~~Regarding surface water, the boundary between Waikato district and its neighbours, on occasion, follows the centre lines of lakes and rivers. Waikato District Council recognises~~

<sup>72</sup> Federated Farmers (680.12) and Waikato District Council (697.348)

<sup>73</sup> Waikato District Council (697.349)

<sup>74</sup> Waikato District Council (697.349)

<sup>75</sup> Waikato District Council (697.349)

~~that all navigable rivers within the district are subject to the provisions of the Waikato Regional Council Navigation Safety Bylaw 2009. There is increasing demand and competition for water from the Waikato River. The future management and use of the Waikato River is likely to have a significant influence on the district, as much of the river is over-allocated in terms of water takes.<sup>76</sup>~~

- (b) ~~There is an obligation to continually improve water quality in the river in accordance with the 'Vision and Strategy' for the river in the Regional Policy Statement and Regional Plan, as well as in terms of the Waikato-Tainui Environmental Plan. Waikato Regional Council's 'Healthy Rivers Plan Change' has the potential to introduce a more integrated regional approach to land use development and fresh water management. How water will be provided to growth areas and how that affects the Waikato River allocation has been considered in the Subregional Three Waters Strategy, which was undertaken through the Future Proof partnership.<sup>77</sup>~~
- (c) ~~Waikato District Council is working with Auckland Council, its council-controlled service providers Watercare and Auckland Transport, as well as with the Franklin Local Board, to better coordinate development planning and the provision of infrastructure and services across the Waikato/Auckland administrative boundary in the north. A strategic and integrated approach to growth planning is needed to ensure that the critical resource is managed effectively. The Three Waters Strategy and water supply strategy have been developed in this regard.~~
- (d) ~~Although traditionally a strength of the Waikato, the availability of water is becoming a potential constraint. Municipal water is sourced from the Waikato River, and treated and distributed to township communities at Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Hopuhopu and Ngaruawahia. Raglan's water comes from a spring, and the water system has been upgraded to improve water quality. Waikato District Council also buys bulk water from Hamilton City Council to supply Gordonton, Puketaha, Newstead, Eureka, Matangi and Tamahere in the south-eastern parts of the district, and Te Kowhai Road and Stonebridge in the south-western parts of the district.~~
- (e) ~~Water for industry located outside municipal supply areas is sourced from a combination of surface water (mostly the Waikato River catchment) and groundwater. Recently, new allocation limits and minimum flows have been set for surface water resources across the whole Waikato region (as a result of a change to the Waikato Regional Plan). Greater scrutiny of, and restrictions on, groundwater takes have also been introduced. While the availability of surface water will depend on the point of abstraction, the level of allocation at the bottom of the Waikato catchment is the overriding constraint on water availability. The majority of Waikato district is within the Waikato catchment. As at the beginning of 2015, 87% of the flow that was able to be allocated at the river mouth was already allocated for the summer months. Although more water is available in winter, demand for water is either year round for industrial processing and municipal supply, or for the summer season for irrigation. Therefore, unless winter water can be stored, the use of water tanks should be encouraged as the available winter water is practically unavailable for economic use.<sup>78</sup>~~

#### 1.5.7.4 Air quality

- (a) ~~There are activities, which may have the potential to adversely affect air quality beyond the district boundary such as odour or dust. As such, this matter is of cross-boundary significance. Although the Council may under s31 (b) of the Resource Management Act "control ... any actual or potential effects of the use, development or protection of land ...", the primary control of air contaminants remains the role of the regional councils through~~

<sup>76</sup> Waikato District Council (697.349)

<sup>77</sup> Waikato District Council (697.349)

<sup>78</sup> Waikato District Council (697.348)

~~their regional plans. The Council will liaise with the Waikato Regional Council and the relevant district councils on air quality issues where there could be adverse effects across the boundary.~~<sup>79</sup>

#### ~~1. 53.7.54 The coast~~

- ~~(a) Coastal issues cross the boundaries with Otorohanga District, Hauraki District and Auckland. In addition, Waikato Regional Council has responsibilities for administering the coastal marine area. The Council will liaise with the relevant councils on coastal activities with a cross-boundary impact. Development will be managed to protect landscape and ecological values throughout the coastal environment.~~<sup>80</sup>
- (b) The west coast is a wild and scenic coastline and ~~has~~ limited road access ~~has restricted development in the past~~. Raglan Harbour (Whaingaroa) and Aotea Harbour are more sheltered and are ecologically and culturally important. In the east of the district, the Miranda coast has a low-lying more sheltered character, is important to Tangata whenua and is an internationally significant habitat for migratory birds. In the north, the small holiday town of Port Waikato is on the south bank of the Waikato River at its outflow into the Tasman Sea. Waikato District Council is also a member of the Hauraki Gulf Forum, which is a statutory body, that promotes and facilitates integrated management and the protection and enhancement of the Hauraki Gulf, under the Hauraki Gulf Marine Park Act 2000.
- ~~(c) An important document with respect to managing cross-boundary coastal issues is the Waikato Regional Coastal Plan (RCP), that contains policies and methods to manage the allocation and use of coastal resources. The plan implements the Regional Policy Statement (RPS) and the New Zealand Coastal Policy Statement. The plan applies across the coastal marine area (CMA) of the Waikato region, from the line of mean high water springs (MHWS) out to twelve nautical miles (approximately 20 km) from the coast.~~<sup>81</sup>

#### ~~1. 53.7.65 Natural hazards and effects of climate change~~

- ~~(a) Natural hazard management is a responsibility that crosses territorial authority boundaries and also falls within the responsibility of regional councils. Waikato District Council and Waikato Regional Council have responsibilities under the Civil Defence Emergency Management Act (CDEM Act) 2002. Matters such as addressing the changing effects of and need to adapt to climate change and the management of the natural hazards on the Waikato River require appropriate consultation between Waikato District Council, adjoining territorial authorities, and Waikato Regional Council.~~

#### ~~1. 53.7.76 Energy~~

- ~~(a) The district plan recognises the national and regional importance of existing energy resources and infrastructure, which include coalfields, coal mines, Huntly Power Station, gas, electricity transmission and distribution<sup>82</sup>, and coal conveyance facilities, as well as renewable energy. The plan addresses the positive and adverse effects of energy infrastructure and development.~~

#### ~~1. 53.7.87 Tourism~~

- ~~(a) The tourism industry contributed 1.4% to Waikato district's economy in 2016, which was up on the previous ten years. The economic output in Waikato district's tourism industry~~

<sup>79</sup> Waikato District Council (697.348)

<sup>80</sup> Waikato District Council (697.348)

<sup>81</sup> Waikato District Council (697.348)

<sup>82</sup> WEL Networks Ltd (692.32)

increased by 1.2% in 2016, against a 3.1% increase in New Zealand. The growth of the tourism industry in Waikato district has averaged 5.7% over the last ten years, compared with only 1.6% in New Zealand as a whole.

## 1.64 1.2.6 Ngaa Iwi o Tainui ki te Waikato Takiwa

### 1.64.1 History

- (a) After 1300/1400AD the descendants of the Tainui waka began to spread inland and populate Hauraki, Waikato, Maniapoto and Raukawa areas. In the Waikato takiwa(district) there became two distinctive landscapes from Aotea Harbour to Te Puaha o Waikato (mouth of the Waikato River at Port Waikato), and the Waikato River landscape that follows the river from Tamahere to Te Puaha o Waikato. The archaeological evidence of the settlement pattern on the west coast and along the banks and tributaries of the Waikato River pointed to the rich resources that sustained the Hapuu of the Iwi.
- (b) Today there are 33 iwi/hapuu in the Waikato takiwa who have mana whenua as part of Ngaa Iwi o Tainui:

1. ——— Ngaati Maahanga
2. ——— Ngaati Mahuta
3. ——— Ngaati Makirangi
4. ——— Ngaati Naho
5. ——— Ngaati Ngutu
6. ——— Ngaati Paretauuaa
7. ——— Ngaati Paretekawa
8. ——— Ngaati Pou
9. ——— Ngaati Aamaru
10. ——— Ngaati Aapakura
11. ——— Ngaati Haua
12. ——— Ngaati Hikairo
13. ——— Ngaati Hine
14. ——— Ngaati Koheriki
15. ——— Ngaati Korokii
16. ——— Ngaati Kuiaarangi
17. ——— Ngaati Puhiaue
18. ——— Ngaati Raukawa ki Panchaakua
19. ——— Ngaati Ruru
20. ——— Ngaati Tahinga
21. ——— Ngaati Tamainupo
22. ——— Ngaati Tamaoho
23. ——— Ngaati Taratikitiki
24. ——— Ngaati Te Ata
25. ——— Ngaati Te Wehi

26. — Ngaati Tai
27. — Ngaati Tipaa
28. — Ngaati Wairere
29. — Ngaati Werokoko
30. — Ngaati Whaawhaakia
31. — Ngaitai
32. — Tainui
33. — Te Aakitai<sup>83</sup>

- (e) Te Whakakitenga o Waikato Incorporated Society (Waikato-Tainui) is the Iwi authoritative representative of the 33 hapuu, 68 marae and supporters of the Kingitanga movement. The name Te Whakakitenga o Waikato represents the future “pathway” of Waikato’s social, cultural, environmental and economic wellbeing. ~~In addition some hapuu have mandated organisations to represent them on resource management matters.~~<sup>84</sup>
- (d) ~~The district council and Iwi have an important co-management partnership in the management of the Waikato River under the Joint Management Agreement (JMA 2010). This relationship depends on challenges of clarifying and enhancing the role of Iwi, hapuu and marae communities in decision-making processes under both, a treaty and collaborative planning framework. This can be achieved if Maaori and Council work together as partners and joint sponsors of collaborative processes.~~
- (e) ~~For Iwi within the Waikato district, significant events have shaped their perspective and attitudes to their people, lands, waterways, waahi tapu (sacred sites) and environs. The establishment of the Kiingitanga movement, the land wars, which ensued, the wholesale confiscation of lands across the region, had an undeniable impact.~~
- (f) ~~Subsequently, the way in which the Iwi has mobilised itself to derive a livelihood and seek redress was by setting a pathway forward that others could follow in the settlement process. Treaty settlements and relationships stemming from these agreements continue to have an increasing impact on growth, opportunity, and environmental stewardship of natural resources in the region.~~
- (g) ~~The Waikato River in its broad definition under the Settlement legislation, Raglan (Whaingaroa) and Aotea Harbours, Miranda coast, along with the Hunua, Hapuakohe, Taupiri and Hakarimata Ranges, Mounts Pirongia and Karioi, are all significant culturally, and important landmarks for Waikato. This relationship is evident in many whakatauki and waiata, and in oral histories.~~
- (h) ~~Enabling Maaori to establish and maintain their relationship, cultures and traditions with their ancestral lands is a matter of national importance. It is important that this is consistent with the environmental capacity of the area to sustainably use ancestral land for such purposes that will promote the economic, cultural and social health and wellbeing of the Maaori community. In this regard, Council supports Maaori land entities in the development of good quality papakaainga housing on multiple-owned land.~~<sup>85</sup>
- (i) Waikato District Council has boundary relationships with the following Iwi authorities:
- Hauraki Collective
  - Maniapoto Iwi Trust Board
  - Raukawa Settlement Trust

<sup>83</sup> Waikato District Council (697.348)

<sup>84</sup> Tainui (942.47)

<sup>85</sup> Waikato District Council (697.348)

### **1.6.2 Te Tiriti o Waitangi**

- (a) ~~The Treaty of Waitangi is a foundational legal document for New Zealand. The Crown is the primary Treaty partner responsible for the Treaty relationship. However, in delegating responsibilities to councils, Parliament acknowledges the need to ensure that local authorities give appropriate consideration to the principles of the Treaty as part of their statutory Maaori obligations.~~ **(RELOCATE THIS PARAGRAPH TO CHAPTER 2.4)**<sup>86</sup>
- (b) ~~The purpose of the RMA (s5) embraces the social, economic and cultural well-being of people, and s.6 pays particular attention to the special relationship Mana Whenua have with the land, sea and waterways. In s6 (c) and (g), the relationship of Mana Whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is identified as a matter of national importance. The RMA (s8) provides a clear direction on council's responsibilities in terms of the Treaty. Part 2 (Purpose and principles) of the Act outlines the importance of the role Mana Whenua have in the sustainable management of natural and physical resources.~~<sup>87</sup>

### **1.6.3.2 Kiingitanga**

- (a) ~~The Kiingitanga was founded in 1858 with the aim of uniting Maaori under a single sovereignty. Waikato is the seat of the Kiingitanga movement. The appointment of Pootatau Te Wherowhero as the first Maaori King was not only based on his whakapapa, exceptional skills as a warrior, and intricate knowledge of te Ao Maaori (the Maaori World), but also in recognition of the rich resources he commanded from the surrounding environment. The new King would be required to feed the masses on a regular basis, and the resources within the rohe enabled the King to provide a bountiful amount of food. Today the Maaori King Movement is still seen as an important and enduring expression of Maaori unity and holds an established place in New Zealand society.~~<sup>88</sup>

## **1.6.4 Values of importance** **RELOCATE THIS TEXT TO CHAPTER 2 – TANGATA WHANUA**

### **1.6.4.1 Kaitiakitanga**

- (a) ~~Tangata Whenua has a responsibility to protect and nurture the mauri of all living things. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between all natural resources. Tangata Whenua learnt and long recognised that, in order for the environment to sustain life, people in turn, had to protect and sustain the environment.~~

### **1.6.4.2 Manaakitanga**

- (a) ~~Iwi is able to provide sustenance for all manuhiri that arrive in the rohe. The ability to care for and support manuhiri demonstrates the mana and wealth of the tribe. Waikato is also the home for many other Maaori from other Iwi, who choose to live, work and play in the region.~~

### **1.6.4.3 Tikanga**

- (a) ~~Good management of resources ensures that the whenua could continually provide for the Iwi and all manuhiri. The tools required to sustain resources is captured in tikanga. Tikanga ensures that, during customary gatherings, acknowledgement is provided to the domain of~~

<sup>86</sup> Tainui (942.46) and Waikato Regional Council (81.75)

<sup>87</sup> Waikato District Council (697.348)

<sup>88</sup> Waikato District Council (697.348)

~~the various Atua to respect the mutual relationship and guarantee a successful bounty for the following years. Tikanga embodies all aspects of mana whakahaere. Tikanga in the management of resources is a living, evolving concept that the Iwi developed over generations learning from experience, from both successes and failures, in resource management.<sup>89</sup>~~

### 1.3 How the Plan works<sup>90</sup>

#### 1.3.1 Statutory context<sup>91</sup>

- (a) The contents of this district plan are largely the result of the statutory provisions of the RMA, in particular sections 31 (functions), 74 (matters to be considered by a territorial authority), 75 (contents of district plans) and 76 (district rules).<sup>92</sup>
- (b) The district plan must give effect to any National Policy Statements, the New Zealand Coastal Policy Statement and the Regional Policy Statement. The district plan must not be inconsistent with the Regional Plan.<sup>93</sup>
- (c) A statutory acknowledgement is a means by which the Crown has formally acknowledged the statements made by Iwi on their cultural, spiritual, historical and traditional association with a statutory area. Section 74(2A) of the RMA requires a territorial authority to take into account any relevant planning document recognised by an Iwi authority when preparing or changing a district plan. Statutory acknowledgements relevant to the Waikato district are as follows:
  - a. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
  - b. ~~Maraeroa A and B Blocks Claims Settlement Act 2012~~
  - c. Ngaati Koroki Kahukura Claims Settlement Act 2014
  - d. Ngaati Hauaa Claims Settlement Act 2014
  - e. Raukawa Claims Settlement Act 2014
  - f. Waikato-Maniapoto Maori Claims Settlement Act 1946.
  - g. Ngati Tamaoho Claim Settlement Act 2018<sup>94</sup>

#### 1.3.2 Cross Boundary Issues<sup>95</sup>

- (a) There are numerous situations where a resource management issue occurs across the administrative boundaries of two or more councils requiring intervention by the respective councils. It is important that cross-boundary issues are dealt with in a coordinated and integrated manner by the territorial and regional authorities involved. Sometimes this means that applicants must apply to more than one authority for consent, and coordination between those authorities is necessary for integrated decision-making.<sup>96</sup>
- (b) Cross-boundary issues impact the Waikato district by virtue of it being located between two growing cities – Auckland in the north and Hamilton in the south. Where an application for a resource consent, plan change, variation or resource management policy proposal includes a cross-boundary issue, the Council will inform and liaise with the other affected Council.

<sup>89</sup> Waikato Regional Council (81.75)

<sup>90</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>91</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>92</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>93</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>94</sup> Waikato District Council (697.355)

<sup>95</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>96</sup> Moved text from Chapter 1.5.3(a) of notified version of the proposed Waikato District Plan  
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Some types of infrastructure raise cross-boundary issues where they traverse the boundaries of district or regional councils.<sup>97</sup>

### **I.3.3 National Direction Instruments<sup>98</sup>**

#### **I.3.4.1 National Policy Statements**

- (a) At a national level, the RMA provides for National Policy Statements, which set out objectives and policies for resource management matters of national significance that are relevant to achieving the purpose of the RMA. Such statements guide subsequent decision-making under the RMA at national, regional and district levels. The Ministry for the Environment holds a comprehensive listing of all current national Policy Statements.<sup>99</sup>

#### **I.3.3.2 National Environmental Standards**

- (a) National Environmental Standards are technical standards relating to the use, development and protection of natural and physical resources and are a form of regulation. Methods for implementing these standards are prescribed by the legislation, which promotes consistent standards, requirements or recommended practices. National standards override existing provisions in plans that have a lower standard.
- (b) National Environmental Standards are regulations issued under sections 43 and 44 of the RMA and apply nationally. This means that each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards.
- (c) Currently the following six standards are in effect:
  - (i) National Environmental Standards for Air Quality
  - (ii) National Environmental Standard for Sources of Human Drinking Water
  - (iii) National Environmental Standards for Telecommunication Facilities
  - (iv) National Environmental Standards for Electricity Transmission
  - (v) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and
  - (vi) National Environmental Standard for Plantation Forestry.<sup>100</sup>

### **I.3.4 Monitoring**

- (a) Monitoring of the district plan is part of a comprehensive monitoring requirement of Waikato District Council, specified in section 35 of the Resource Management Act. The RMA provides for the plan to state the procedures used to monitor the efficiency and effectiveness of the policies, rules or other methods contained within it.<sup>101</sup>
- (b) A monitoring strategy that has been developed as a separate document from the district plan will be updated. The strategy states what is to be monitored and indicates priority issues. It will also indicate how monitoring is to be undertaken. Plan monitoring will be closely linked with other monitoring which the Council is required to do under the Resource Management Act, including state of the environment monitoring and resource consent monitoring.<sup>102</sup>
- (c) The results of plan monitoring will be published every five years. The Council will seek to work closely with organisations that hold relevant information. Such organisations may include central government agencies, other local government agencies, and business and community groups. Consultation with the District Plan Iwi Reference Group and Waikato-

<sup>97</sup> Moved text from Chapter 1.5.3(b) of notified version of the proposed Waikato District Plan

<sup>98</sup> Spark (644.1) – Submission to align with format of the national planning standards

<sup>99</sup> Moved text from Chapter 1.10.3.4 of notified version of the proposed Waikato District Plan

<sup>100</sup> Moved text from Chapter 1.10.3.4 of notified version of the proposed Waikato District Plan

<sup>101</sup> Moved text from Chapter 1.11 (a) of notified version of the proposed Waikato District Plan

<sup>102</sup> Moved text from Chapter 1.11 (d) of notified version of the proposed Waikato District Plan

Tainui will continue to be important, including the effectiveness of monitoring methods and plan provisions.<sup>103</sup>

## ~~1.75 Settlements Acts / Co-management/ Rivers—Vision and Strategies / Joint Management Agreement~~

### ~~1.75.1 Settlements~~

#### ~~1.75.1.12<sup>104</sup> Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010~~

- (a) ~~In 2010 the Joint Management Agreement (JMA), prepared under the Waikato Raupatu Claims (Waikato River) Settlement Act 2010 was signed with Waikato-Tainui. It sets out how the Council and Waikato-Tainui will work together to restore and protect the health and well-being of the Waikato River. Since the signing of this agreement, there has been a strong focus on effective engagement with Iwi and a growing realisation that a holistic approach to this engagement is needed across the organisation.~~

#### ~~1.75.1.21<sup>105</sup> The River Settlement Acts~~

- (a) ~~The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngaati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 and the Nga Wai-o Maniapoto (Waipa River) Act 2012—collectively called “the River Settlement Acts”—are statutes which are unique to the Waikato River and its catchment. The River Settlement Acts incorporate the Vision and Strategy (Te Ture Whaimana o Te Awa o Waikato) into the Waikato Regional Policy Statement without the use of a Schedule 1 of the RMA process, and reflects a required comprehensive ‘whole of river’ approach by all territorial authorities. A key objective of the Acts is to maintain and enhance the relationship between Waikato-Tainui and the Waikato Regional Council by working in good faith with open and honest communications.~~

#### ~~1.75.1.3 Nga Wai-o Maniapoto (Waipa River) Act 2012~~

- (a) ~~With respect to the Waipa River, this legislation seeks to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations, and the care and protection of the mana-tuku-iho-o-Waiwaia~~

#### ~~1.75.1.4 Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010~~

- (a) ~~The purpose of this Act is to recognise the significance of the Waikato River to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi. This Act provides for the co-management arrangements for the whole of the Waikato River and establishes the Waikato River Clean-up Trust.<sup>106</sup>~~

### **1.7.1.5 Co-Management**

- (a) ~~The purpose of these agreements is to provide for an enhanced relationship between parties on areas of common interest.~~

<sup>103</sup> Moved text from Chapter 1.11 (a) of notified version of the proposed Waikato District Plan

<sup>104</sup> Re-Ordering of section – Waikato District Council (697.351)

<sup>105</sup> Re-Ordering of section – Waikato District Council (697.351)

<sup>106</sup> Waikato Regional Council (81.75)

#### ~~1. 75.1.6 Memorandum of Understanding (Ngaa Uri aa Maahanga)~~

- (a) ~~There is a memorandum of understanding with Ngaa Uri aa Maahanga which formalises an informal relationship that Council has had with Ngaa Uri aa Maahanga for a number of years.~~

#### ~~1. 75.1.78<sup>107</sup> Memorandum of Agreement (Ngaati Hauaa Iwi Trust)~~

- (a) ~~There is a memorandum of agreement with Ngaati Hauaa Iwi Trust which formally records the relationship that Council has with Ngaati Hauaa Iwi Trust and provides direction for both parties.~~

#### ~~1. 75.1.87<sup>108</sup> Memorandum of Understanding (Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust)~~

- (a) ~~There is a memorandum of understanding with Ngaati Hounuku being represented by Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust in relation to the Te Whaanga Roding matters, and the sewerage and wastewater pipeline.~~

### ~~1. 75.2 Rivers – Vision and Strategy~~

#### ~~1. 75.2.1 Vision and Strategy for the Waikato River~~

- (a) ~~The Vision and Strategy is Te Ture Whaimana o Te Awa o Waikato [s9(3)] and is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment [s5(1)].~~
- (b) ~~This district plan reflects the new era of co-management between Waikato District Council and iwi. The Settlement Act requires that a district plan shall give effect to the Vision and Strategy.~~
- (c) ~~The Vision and Strategy responds to four fundamental issues:~~
- ~~(i) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;~~
  - ~~(ii) The relationships and aspirations of communities with the Waikato River;~~
  - ~~(iii) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;~~
  - ~~(iv) The time and commitment required to restore and protect the health and wellbeing of the Waikato River.~~
- (d) ~~The Vision and Strategy for the Waikato River is contained in Schedule 2 of the Settlement Act. Clauses (1) and (2) of the Vision state:~~
- ~~(i) Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri. The river of life, each curve more beautiful than the last.~~
  - ~~(ii) Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come. (THIS SECTION HAS BEEN MOVED FROM CHAPTER 7.1.2.2)~~
- (e) ~~The objectives of the Vision and Strategy are informed by the Vision for the Waikato River which is contained within Schedule 2 of the Settlement Act. These Vision objectives are~~

<sup>107</sup> Re-Ordering of section – Waikato District Council (697.351)

<sup>108</sup> Re-Ordering of section – Waikato District Council (697.351)

~~supported by other district plan objectives and policies. (THIS SECTION HAS BEEN MOVED FROM CHAPTER 7.1.2.5)~~

- (f) ~~In order to achieve the Vision for the Waikato River, the Vision and Strategy contains a number of strategies. While implementation of a number of these strategies is the direct responsibility of the Waikato Regional Council whose jurisdiction falls within the Waikato River catchment, local authorities have a statutory duty to ensure that their district plans give effect to regional policy statements. Council discharges this statutory duty through a combination of district plan objectives, policies and methods, its collaborative relationship with Waikato Regional Council concerning issues that affect the Waikato River, and the legally binding obligations set out in the Joint Management Agreement signed with Waikato-Tainui on 23 March 2010. (THIS SECTION HAS BEEN MOVED FROM CHAPTER 7.1.2.3)~~
- (g) ~~Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato-Tainui and the community. (THIS SECTION HAS BEEN MOVED FROM CHAPTER 7.1.2.4)~~<sup>109</sup>

### **~~1.7.2.2 Vision for the Waikato River~~**

- (h) ~~The Vision and Strategy for the Waikato River is contained in Schedule 2 of the Settlement Act. Clauses (1) and (2) of the Vision state:~~
- ~~(iii) Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri. The river of life, each curve more beautiful than the last.~~
  - ~~(iv) Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.~~

### **~~1.7.2.3 Strategy for the Waikato River~~**

- (a) ~~In order to achieve the Vision for the Waikato River, the following strategies are to be followed:~~
- ~~(i) Ensure that the highest level of recognition is given to the restoration and protection of the Waikato River.~~
  - ~~(ii) Establish what the current health status of the Waikato River is by utilising maatauranga Maaori and latest available scientific methods.~~
  - ~~(iii) Develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and latest available scientific methods.~~
  - ~~(iv) Develop and implement a programme of action to achieve the targets for improving the health and well-being of the Waikato River.~~
  - ~~(v) Develop and share local, national and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River.~~
  - ~~(vi) Recognise and protect Waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual and historic relationship with the Waikato River.~~
  - ~~(vii) Recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community.~~
  - ~~(viii) Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato community.~~

<sup>109</sup> Waikato District Council (697.348)  
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- ~~(ix) Encourage and foster a "whole of river" approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.~~
- ~~(x) Establish new, and enhance existing, relationships between Waikato Tainui, other Waikato River iwi (where they so decide) and stakeholders with an interest in advancing restoring and protecting the health and wellbeing of the Waikato River.~~
- ~~(xi) Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.~~
- ~~(xii) Ensure appropriate public access to the Waikato River while protecting and enhancing health and well-being of the Waikato River.~~
- ~~(b) While implementation of a number of these strategies is the direct responsibility of the Waikato Regional Council whose jurisdiction falls within the Waikato River catchment, local authorities have a statutory duty to ensure that their district plans give effect to regional policy statements. Council discharges this statutory duty through a combination of district plan objectives, policies and methods, its collaborative relationship with Waikato Regional Council concerning issues that affect the Waikato River, and the legally binding obligations set out in the Joint Management Agreement signed with Waikato Tainui on 23 March 2010.~~

#### **~~1.7.2.4 Issue – Health and wellbeing of the Waikato River~~**

~~(a) Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato Tainui and the community.~~

#### **~~1.7.2.5 Objectives~~**

- ~~(a) The following objectives are informed by the Vision for the Waikato River which is contained within Schedule 2 of the Settlement Act:~~
  - ~~(i) The restoration and protection of the health and wellbeing of the Waikato River;~~
  - ~~(ii) the restoration and protection of the relationships of Waikato Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships;~~
  - ~~(iii) The restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural, and spiritual relationships;~~
  - ~~(iv) The restoration and protection of the relationships of the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships;~~
  - ~~(v) The integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River;~~
  - ~~(vi) The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River;~~
  - ~~(vii) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River;~~
  - ~~(viii) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities;~~
  - ~~(ix) The protection and enhancement of significant sites, fisheries, flora, and fauna;~~
  - ~~(x) The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River;~~
  - ~~(xi) The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length;~~

- (xii) ~~The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities;~~
- (xiii) ~~The application to the above of both maatauranga Maaori and the latest available scientific methods;~~
- (b) ~~These Vision objectives are supported by other district plan objectives and policies.~~

#### **1.7.2.6 Health and wellbeing of the Waikato River**

- (a) ~~The relationship of Waikato-Tainui with the Waikato River cannot be underestimated as it lies at the heart of their identity as well being a major influence on their spiritual, cultural, historic and physical wellbeing. To Waikato-Tainui, the Waikato River is their Tuupuna Awa, an ancestor;~~
- (b) ~~The Waikato River Claim was filed with the Waitangi Tribunal by Sir Robert Mahuta on 16 March 1987 on behalf of Waikato-Tainui, the Tainui Trust Board and Ngaa Marae Toopu but was excluded from the 1995 Raupatu Land Settlement for future negotiation;~~
- (c) ~~The 2009 Deed of Settlement between the Crown and Waikato-Tainui acknowledges the deterioration of the health of the Waikato River while the Crown had authority over the river. The Deed of Settlement has an overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. This district plan aims to restore the river's health in conjunction with other agencies. The Settlement Act gave effect to the 2009 Deed of Settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River.~~

#### **1.7.2.7 Definition of Waikato River and its catchment area**

- (a) ~~The body of water known as the Waikato River flowing continuously or intermittently from the Huka Falls to the mouth of the Waikato River shown as located within the areas marked "A" and "B" on SO plan 409144, and~~
- (b) ~~All tributaries, streams and watercourses flowing into the part of the Waikato River described in sub-paragraph (i), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144, and~~
- (c) ~~Lakes and wetlands within the areas marked "A" and "B" on SO plan 409144, and~~
- (d) ~~The beds and banks of the water bodies described in sub-paragraphs (a) to (c);~~
- (e) ~~For the avoidance of doubt, this definition is an excerpt from the interpretation of 'Waikato River' in Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The area contained within SO plan 409144 is administered by a number of territorial authorities: Waikato District Council only administers that part of SO plan 409144 that is within Waikato district.<sup>110</sup>~~

### **1.7.3 Joint Management Agreements**

#### **1.7.3.1 Waikato River Joint Management Agreement (JMA) 2010**

- (a) ~~This agreement provides Council with a relationship with Waikato-Tainui to share the exercise of functions, duties and powers under the Local Government Act 2002, and the Resource Management Act 1991 and the Waikato-Tainui Deed of Settlement in relation to the Waikato River and enabling legislation.~~
- (b) ~~Council and Waikato-Tainui share areas of commonality when it comes to structure, constituency, democratic appointment, geographic influence, natural resource management, political, social and economic imperatives and long term generational planning.~~

<sup>110</sup> Waikato District Council (697.348)  
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### **Guiding Principles**

- (a) When this agreement is exercised Council and the Waikato Raupatu River Trust acting on behalf of Waikato-Tainui have a number of principles that layout how the JMA will provide a platform for working collaboratively when preparing RMA planning documents that relate to the Waikato and Waipa Rivers and their catchments.
- (b) The JMA enables joint objectives of:
  - (i) The restoration and protection of the health and wellbeing of the Waikato River for future generations; and
  - (ii) Establishing and maintaining a positive, co-operative and enduring relationship consistent with the guiding principles and the principles for engagement
  - (iii) Work co-operatively on matters of common interest to both parties.
- (c) The JMA also has a number of schedules that outline the process for engagement with Waikato-Tainui to achieve the purpose, principles and objectives of this agreement.

### **1. 75.3.2 Joint Management Agreement (JMA) 2012**

- (a) The Nga Wai o Maniapoto (Waipa River) Act 2012 came into effect on 5 April 2012. Under this Act there is a requirement for Waikato District Council to enter into a Joint Management agreement with Ngaati Maniapoto. The purpose of the Act is to "...restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations..."
- (b) Waikato District Council, Waipa District Council, Waitomo District Council, Otorohanga District Council and the Waikato Regional Council signed the Waipa River Joint Management Agreement with the Maniapoto Maaori Trust Board on 3 April 2013.
- (c) This agreement has a number of principles with the overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations.

### **1. 75.3.3 Consultation**

- (a) In matters of consultation under the Resource Management Act 1991(RMA), Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) is the iwi authority established under the Waikato Raupatu Claims Settlement Act 2010.
- (b) The RMA requires the principles of Te Tiriti o Waitangi and any iwi management plan to be taken into account when developing the district plan. In addition Council must consult with the iwi authority in preparing a district plan or plan change under the RMA (Schedule 1) and the Order<sup>111</sup>.
- (c) Council has a number of joint management agreements with iwi partners that gives a platform for consultation. These agreements are the foundations for working collaboratively with our iwi partners to reflect the principles of Te Tiriti o Waitangi and the Vision and Strategy for the Waikato River.
- (d) According to section 35A a local authority has a duty to keep records about iwi and hapuu; this information can be sourced from the Te Kahui Mangai website.

### **1. 75.3.4 Iwi Management Plans**

- (a) Planning documents recognised by an iwi authority and lodged with the Council must be taken into account when district plans are being prepared, and are a matter to be considered in the processing of resource consents, plan changes and designations. In addition to the requirements of the RMA, the Waikato and Waipa Rivers' associated legislation places similar responsibilities on the Council with respect to iwi planning documents. A

<sup>111</sup> Waikato District Council (697.353)  
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number of Iwi Management plans are in the process of being prepared. These documents once prepared and lodged with the Council, will provide both the Council and the community with a greater understanding of the environmental issues that are of concern to Tangata Whenua.

#### **~~1.75.3.5 Waikato-Tainui Environmental Management Plan~~**

- (a) ~~The Waikato-Tainui Environmental Management Plan ('the Environmental Plan') provides a clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment within the Waikato-Tainui rohe. The Environmental Plan also provides a process that guides the ongoing and effective involvement of Waikato-Tainui in matters related to resource use and activities affecting the environment, including the preparation of planning documents. The environmental plan encourages the initiation of the consultation/engagement process as early as practicable.~~

#### **~~1.75.3.6 Maniapoto Iwi Environmental Management Plan~~**

- (a) ~~The plan identifies some of the most pressing issues for Maniapoto and the impacts on their well-being. The plan sets out clear, consistent objectives, policies, methods and monitoring and reporting processes to help Maniapoto address those issues and to achieve their aspirations the environment.~~<sup>112</sup>

### **~~1.86 Statutory Acknowledgements~~**

- (a) ~~A statutory acknowledgement is a means by which the Crown has formally acknowledged the statements made by Iwi on their cultural, spiritual, historical and traditional association with a statutory area. Local authorities must attach information recording statutory acknowledgements to all statutory plans that wholly or partly cover the area. The attachment of such information is not subject to the provisions of Schedule 1 of the RMA.~~
- (b) ~~A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area that is in crown ownership. The association of an Iwi with a statutory area is outlined in the schedules to a Claims Settlement Act. Section 74(2A) of the RMA requires a territorial authority to take into account any relevant planning document recognised by an Iwi authority when preparing or changing a district plan. Statutory acknowledgements relevant to the Waikato district are as follows:~~
- ~~(i) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010~~
  - ~~(ii) Maraeroa A and B Blocks Claims Settlement Act 2012~~
  - ~~(iii) Ngaati Koroki Kahukura Claims Settlement Act 2014~~
  - ~~(iv) Ngaati Hauaa Claims Settlement Act 2014~~
  - ~~(v) Raukawa Claims Settlement Act 2014~~
  - ~~(vi) Waikato-Maniapoto Maori Claims Settlement Act 1946.~~
  - ~~(vii) Ngati Tamaoho Claim Settlement Act 2018~~<sup>113</sup>

## **1.9 Statutory Context and Framework**

<sup>112</sup> Waikato District Council (697.348)

<sup>113</sup> Waikato District Council (697.355)

### **1.9.1 Statutory Framework**

- (a) ~~The Waikato District Plan, together with the Waikato Regional Plan, is vital to the processes that focus on achieving sustainable management in the district. It is important to note that the district plan forms a part of a group of interrelated statutory requirements and planning, strategy and policy initiatives which are reflected below.~~

### **1.9.2 Resource Management Act 1991**

- (a) ~~The RMA promotes the sustainable management of natural and physical resources such as land, air and water. New Zealand's Ministry for the Environment describes the RMA as New Zealand's principal legislation for environmental management. The Resource Management Act requires one district plan within any district at all times.~~
- (b) ~~While the scope of this plan is primarily restricted to controlling the effects of land use activities in the district, the manner in which the plan should achieve this is not prescribed. Key provisions of the RMA are summarised below:~~

### **1.9.3 Section 5 RMA**

- (a) ~~This section outlines the purpose of the RMA and establishes sustainable management of natural and physical resources as the cornerstone of the preparation and implementation of plans. It defines sustainable management as:  
"managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects of activities on the environment."~~
- (b) ~~Essentially, it provides for the right to use, protect, and develop natural and physical resources, but only in a manner, which ensures that the foreseeable needs of future generations can be met, that the life-supporting capacity of air, water, soil, and ecosystems are safeguarded, and that adverse effects of activities on the environment are avoided, mitigated or remedied.~~

### **1.9.4 Section 6 RMA**

- (a) ~~This section places a duty on the Council to recognise and provide for a range of matters of national importance. These include the coastal environment, lakes, rivers, wetlands, natural features, habitats, indigenous vegetation, outstanding landscapes, historic heritage, the relationship of Maaori to ancestral land, sites and features, the protection of recognised customary activities and the management of significant risks from natural hazards.~~

### **1.9.5 Section 7 RMA**

- (a) ~~The matters in section 7 of the RMA, while not described as matters of national importance are, nevertheless, important to Council's resource management functions. This section requires Council to have particular regard to several matters, including kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources, the maintenance and protection of amenity values, intrinsic values of ecosystems, the quality of the environment, the effects of climate change, and the benefits to be derived from the use and development of renewable energy.~~

#### **~~1.9.6 Section 8 RMA~~**

- (a) ~~This clause emphasises the importance of the Crown's (and local government's) obligation to uphold the principles of the Treaty of Waitangi in undertaking resource management functions.~~

#### **~~1.9.7 Schedule 1 Clause 4A RMA~~**

- (a) ~~This clause requires Council to provide a copy of draft proposed district plan to the iwi authorities that have been consulted with under clause 3(1)(d). Council shall have particular regard to any advice received on the draft proposed district plan from those iwi authorities. Council must allow adequate time and opportunity for iwi authorities to consider the draft proposed district plan and provide advice on it.<sup>114</sup>~~

### **~~1.10 Integration of district plan with other plans and documents~~**

#### **~~1.10.1 The relationship with Council strategies and other documents<sup>115</sup>~~**

##### **~~1.10.1.1 Waikato District Development Strategy 2015~~**

- (a) ~~The Waikato District Development Strategy (WDDS) provides a high-level thirty year strategic and spatial development guide for the district. The strategy replaces and integrates the Waikato District Growth Strategy (2009) and the Franklin District Growth Strategy (2008). However, the latter document remains live by virtue of Policy 6.11 in the Waikato Regional Policy Statement until the Proposed Waikato District Plan becomes operative. The Waikato District Development Strategy retains the principles in both existing growth strategies to contain urban development and protect agricultural land, and natural and culturally significant landscapes from inappropriate subdivision and dispersed residential development. The strategy is important in informing other strategic planning processes such as Council's Long Term Plan, the Waikato District Economic Development Strategy and the Future Proof Growth Strategy.~~

##### **~~1.10.1.2 Waikato District Economic Development Strategy 2015~~**

- (a) ~~The Waikato District Economic Development Strategy 2015 focuses on the development of a 'road map' for economic development in the Waikato district. The strategy provides an overview of the local economy, with a perspective on the economic opportunities and challenges. The strategy outlines how economic development will be achieved in the district and is accompanied by an implementation plan.~~

##### **~~1.10.1.3 The Long Term Plan~~**

- (a) ~~The Local Government Act (2002) (LGA) requires councils to consult with their local communities to identify public goods and services that need to be provided. The Council is thus required every three years to prepare a Long Term Plan that covers the next 10 year period. It also includes what the Council is planning on doing and why, how much it will cost, and how it will be funded. A Long Term Plan does not override a district plan, nor is there any requirement that a district plan comply with the requirement of a Long Term Plan. However, because the Long Term Plan records outcomes identified by the community and~~

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<sup>114</sup> Waikato District Council (697.348 and 697.346)

<sup>115</sup> Waikato District Council (697.348)

describes how the Council will contribute to these, there is an expectation that the Council will use this process to inform other plans and strategies.

#### **1.10.1.4 Annual Plan**

- (a) Council is required to prepare an Annual Plan every year. The Annual Plan contains the proposed annual budget and provides opportunities for public participation in decision-making on costs and funding of Council activities. However, special consultative procedure is required if the annual plan has not changed 'significantly' or 'materially'. In years when a Long Term Plan is required, the Long Term Plan constitutes the Annual Plan.

#### **1.10.1.5 Activity Management Plans and the 30-Year Infrastructure Strategy**

- (a) Activity Management Plans and the 30-Year Infrastructure Strategy describe the work programmes for Council assets, such as roads, to deliver the required level of service cost effectively to existing and future users. Activity Management Plans and the 30-Year Infrastructure Strategy inform the Long Term Plan and Development Contributions Policy.

#### **1.10.1.6 Development Contributions Policy**

- (a) Council's policy on development and financial contributions primarily focuses on development contributions required under the Local Government Act 2002. These contributions are paid by developers to fund new infrastructure. The policy also refers to financial contributions, which are required under the Local Government Act in specific circumstances. These requirements are detailed in the district plan.

### **1.10.2 The relationship with regional plans and documents<sup>116</sup>**

#### **1.10.2.1 Waikato Regional Policy Statement 2016**

- (a) A regional policy statement is required to be prepared by each regional council. These statements enable regional councils to provide broad direction and a framework for resource management within their regions. A regional policy statement must give effect to all national policy statements. District plans are required to give effect to any regional policy statement. In May 2016 the Waikato Regional Policy Statement was made operative.
- (b) In preparing the Waikato District Plan, the Council is also required to have regard to the Waikato Regional Policy Statements under section 74 of the RMA. The Waikato Regional Policy Statement provides direction for the management of the resources of the region as a whole. District plans are a key method for implementing the directions within regional policy statements.

#### **1.10.2.2 Waikato Regional Plan**

- (a) Each region is required to produce a regional coastal plan to assist the regional council with exercising its functions in the coastal marine area, and this plan must be approved by the Minister of Conservation. Other regional plans are optional, and if prepared, must give effect to regional policy statements, and any national policy statement. Regional plans may contain rules that have the force and effect of a regulation under the RMA. The Waikato Regional Council prepares a regional plan to meet its functions under the Act. Regional plans focus on particular issues and areas and assist the regional council in carrying out its functions under the RMA.

<sup>116</sup> Waikato District Council (697.348)  
Proposed District Plan (Stage 1)  
(Notified version)

- (b) District plans cannot be inconsistent with their relevant regional plans. Topics where regional and district plans may overlap include earthworks, natural hazards, hazardous substances, air quality and water quality. In these matters, the district plan concentrates mostly on effects on human health or amenity, whereas the regional plan is more directed at effects on the natural environment. Regional plans must give effect to national policy statements and regional policy statements and must not be inconsistent with water conservation orders and other regional plans for the region. It is essential that the district plan is not inconsistent with the relevant regional plans.

#### **1.10.2.3 Waikato Region strategies and plans**

- (a) The Waikato Regional Council prepares strategies and plans providing policy and actions on specific matters to help the Regional Council carry out its functions under the RMA. Some of the relevant plans and strategies are reflected below:
- (i) Regional Land Transport Strategy 2015-2045
  - (ii) Regional Road Safety Strategy 2017-2021
  - (iii) Regional Public Transport Plan 2015-2025
  - (iv) Regional Walking and Cycling Strategy 2009-2015
  - (v) Waikato Economic Development Strategy 2015
  - (vi) Waikato Regional Energy Strategy
  - (vii) Central Waikato River Stability Management Strategy 2008-2058
  - (viii) Waikato Regional Pest Management Strategy 2014-2024.

#### **1.10.2.4 Upper North Island Strategic Alliance**

- (a) The Upper North Island Strategic Alliance (UNISA) is an initiative arising out of Waikato Regional Council's approach to neighbouring regions and the need to work together more closely on cross-boundary strategic issues. The Alliance involves the Waikato, Auckland, Bay of Plenty and Northland regions along with the major urban territorial councils within those regions.<sup>117</sup>

#### **1.10.2.5 Future Proof Growth Strategy and Implementation Plan**

- (a) The Future Proof Growth Strategy is a fifty year vision for the sustainable growth and development of a subregion that encompasses the Waikato and Waipa districts and Hamilton city. More specifically, it is a joint growth management strategy between partners that includes Waikato Regional Council, Hamilton City Council, Waipa District Council, Waikato District Council, Ngāa Karu Atua o te Waka and Tangata Whenua, with assistance from the New Zealand Transport Agency (NZTA). The Strategy is underpinned by an implementation plan and subsequent updates define a future land use and settlement pattern that crosses administrative boundaries and is based on integrated planning principles.
- (b) The Future Proof Growth Strategy identifies fifty year land supply needs in the subregion and proposes a sequenced release and development of the land according to its ability to be serviced by appropriate infrastructure and to be funded equitably. The land use and settlement pattern has been incorporated in the Waikato Regional Policy Statement. This district plan gives effect to this settlement pattern through adopting policy direction, rules, and a zoning pattern for the Waikato district that is consistent with the WRPS and the Future Proof Growth Strategy.

<sup>117</sup> Waikato District Council (697.348)  
Proposed District Plan (Stage 1)  
(Notified version)

### **1.10.2.6 The Waikato Plan**

- (a) ~~The Waikato Plan is the first time all the councils and agencies in the Waikato region have worked together to create one plan that gives a single collective voice about issues that affect all current and future residents. These issues include transport, housing, water, the environment, urban-rural linkages, future employment and development opportunities, as well as arts, cultural, recreation, education, heritage and health needs.~~
- (b) ~~The primary objective is to contribute to the Waikato's social, economic, environmental and cultural well-being through a comprehensive and effective 30-year strategy for the region's growth and development. The plan will provide a higher level of certainty for all stakeholders involved in the region and will help to position the Waikato nationally.<sup>118</sup>~~

### **1.10.2.7 Regional Infrastructure Technical Specifications**

- (a) ~~This document contains guidance on engineering practice and design solutions considered to be an acceptable means of compliance for infrastructure-related standards within the district plan. In this context, it is used for setting conditions of resource consent for subdivision and development. The content is amended from time to time to reflect best practice and new technologies. Public infrastructure is expected to be designed in accordance with the latest specifications in this document.<sup>119</sup>~~

## **1.10.3 The Relationship between district plans and other Resource management planning documents<sup>120</sup>**

### **1.10.3.1 Resource Management Act 1991 (RMA)**

- (a) ~~The obligations set out in the Resource Management Act 1991 (RMA) are as follows:~~
  - (i) ~~To recognise and provide as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga—section 6 (e) (g)~~
  - (ii) ~~To have particular regard to Kaitiakitanga—section 7 (a)~~
  - (iii) ~~To take into account the principles of the Treaty of Waitangi—section 8~~
  - (iv) ~~To have regard to any relevant planning document recognised by an Iwi authority—section 74 (2) (b) (ii)~~
  - (v) ~~To consult Tangata Whenua during the preparation of a proposed plan, including any proposed plan changes—Schedule 1 cl. (3).<sup>121</sup>~~

### **1.10.3.2 Local Government Act 2002**

- (a) ~~The Local Government Act requires Council to take into account the relationships of Māori, which includes Tangata Whenua, and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga, where a significant decision is being made in relation to those resources.<sup>122</sup>~~

### **1.10.3.3 National Policy Statements**

- (b) ~~At a national level, the RMA provides for National Policy Statements, which set out objectives and policies for resource management matters of national significance that are~~

<sup>118</sup> Waikato District Council (697.348)

<sup>119</sup> Waikato District Council (697.348)

<sup>120</sup> Waikato District Council (697.355)

<sup>121</sup> Waikato District Council (697.355)

<sup>122</sup> Waikato District Council (697.355)

relevant to achieving the purpose of the RMA. Such statements guide subsequent decision-making under the RMA at national, regional and district levels. The Ministry for the Environment holds a comprehensive listing of all current ~~n~~<sup>123</sup>~~National~~ Policy Statements.

#### ~~1.107.3.4 National Environmental Standards~~

- ~~(d) National Environmental Standards are technical standards relating to the use, development and protection of natural and physical resources and are a form of regulation. Methods for implementing these standards are prescribed by the legislation, which promotes consistent standards, requirements or recommended practices. National standards override existing provisions in plans that have a lower standard.~~
- ~~(e) National Environmental Standards are regulations issued under sections 43 and 44 of the RMA and apply nationally. This means that each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards.~~
- ~~(f) Currently the following six standards are in effect:~~
  - ~~(vii) National Environmental Standards for Air Quality~~
  - ~~(viii) National Environmental Standard for Sources of Human Drinking Water~~
  - ~~(ix) National Environmental Standards for Telecommunication Facilities~~
  - ~~(x) National Environmental Standards for Electricity Transmission~~
  - ~~(xi) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and~~
  - ~~(xii) National Environmental Standard for Plantation Forestry.~~

#### ~~1.118 Monitoring~~

- ~~(d) Monitoring of the district plan is part of a comprehensive monitoring requirement of Waikato District Council, specified in section 35 of the Resource Management Act. The RMA provides for the plan to state the procedures used to monitor the efficiency and effectiveness of the policies, rules or other methods contained within it.~~
- ~~(e) There are two main questions that need to be addressed concerning the efficiency and effectiveness of the plan. The first question is: Are we hitting the target we're aiming at? The environmental result actually achieved through implementing the plan needs to be compared with what it intends to achieve. The second aspect of efficiency and effectiveness relates to the question: Are there better ways of doing things? While the methods being used may be achieving the right results, it may be that other methods may produce the same results more easily.<sup>124</sup>~~
- ~~(f) A monitoring strategy that has been developed as a separate document from the district plan will be updated. The strategy states what is to be monitored and indicates priority issues. It will also indicate how monitoring is to be undertaken. Annual monitoring programmes will then be carried out in accordance with the revised strategy.<sup>125</sup> Plan monitoring will be closely linked with other monitoring which the Council is required to do under the Resource Management Act, including state of the environment monitoring and resource consent monitoring.~~
- ~~(g) In time, the Council will gather information on all issues relevant to the working of the plan. Information will be gathered with reference to the environmental outcomes that the Council is seeking to achieve through the plan. Reviews of the results of plan monitoring will be published every five years. Various methods are available to monitor these issues, and it is important to maximise the information gained from the monitoring undertaken.<sup>126</sup>The~~

<sup>123</sup> RMA 1991 Schedule 1, Clause 16 (Minor Amendment)

<sup>124</sup> Waikato District Council (697.348)

<sup>125</sup> Waikato District Council (697.348)

<sup>126</sup> Waikato District Council (697.348)

~~Council will seek to work closely with organisations that hold relevant information. Such organisations may include central government agencies, other local government agencies, and business and community groups. Consultation with the District Plan Iwi Reference Group and Waikato-Tainui will continue to be important, including the effectiveness of monitoring methods and plan provisions.~~

## 1.12 Strategic directions and objectives for the district

Submissions on 1.12 – Strategic directions and objectives for the district will be dealt within the Hearing 3.