

Memo

To: Waikato District Plan Hearings Panel, Waikato District Council

From: Gavin Donald, GMD Consultants

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Maia Wikaira, Whāia Legal

Date: 22/12/2020

Re: Waikato Proposed District Plan Hearing 21b: Landscapes

Waikato-Tainui Response for the District Plan Hearings Panel

This memo is provided to the Hearings Panel as a means to communicate the Waikato-Tainui perspective and feedback, on the landscape component of the District Plan Review. The Hearings Panel sought that Waikato District Council staff and Waikato-Tainui work collaboratively to progress the matters of disagreement in respect of the Waikato River. In particular, the issues of assessment and 'classification' of the Waikato River as an Outstanding Natural Landscape or an Outstanding Natural Feature.

Waikato-Tainui would like to recognise that a collaborative process has been attempted and progress has been made to recognise the Awa appropriately. The work and discussions that Waikato-Tainui enters into of this nature, simply seeks what is best for the Awa. To this end, we believe some progress has been made.

Ultimately the preference of Waikato-Tainui is for the recognition of the Waikato River in its entirety as an Outstanding Natural Landscape (ONL). We consider that the River can be considered its own landscape, rather than a feature within a broader connected landscape. In our opinion, this would better recognise the Vision and Strategy for the Waikato River. However, we recognise that an Outstanding Natural Feature (ONF) status will recognise the River water body and islands as outstanding. Furthermore, an ONF status will recognise the River, inclusive of the delta, as a single feature within the district rather than seeing it divided across two separate classifications.

While acknowledging the need to address any natural justice issues that might have otherwise arisen, Waikato-Tainui wish to contextualise the number of affected persons. WDC staff responses had initially put the number of titles affected by a 32 margin at over 1000¹. Further investigation by council of a 37m margin, using a

¹ Paragraph 161 of Ms Jane Macartney's S42A rebuttal report: https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-21a/council-rebuttal-evidence-and-reports/hearing-21b---landscapes---council-rebuttal-evidence.pdf?sfvrsn=f6da8dc9_2

different location of river edge puts this number at approximately 700². We contend that the number of *persons* affected would be significantly less than this, given that some of these landholdings will be council-owned and numerous titles will be owned by one person or a group i.e. farming landholdings. As a result, we consider that the notification requirements have been slightly overplayed.

We raise this point of the likely affected parties because if a key component or reluctance to acknowledging the Awa as an Outstanding Natural Landscape is notification or fairness based issues, we believe that this remedy is far less taxing on council that has been originally been believed.

Appropriate recognition of the Waikato River and Te Ture Whaimana is an ongoing task. It is hoped that in the future those working in the resource management space will be comfortable to work with and implement the primary direction-setting document for the restoration and protection of the Waikato and Waipaa Rivers. Recognition of the portion of the Awa and its islands within the Waikato District as an Outstanding Natural Feature is a starting point for Waikato-Tainui. However, ultimately giving effect to Te Ture Whaimana means understanding that the Awa is not only the area occupied by water the majority of time, but the broader catchment and the interconnections that exist.

Waikato-Tainui will continue to work with Waikato District Council (and other authorities in the region) to improve how the Awa is acknowledged within statutory documents, in this process, and those to follow.

Waikato-Tainui are prepared to enter into further discussions on this topic, should the hearing panel see more progress can be made.

² Based on NZTOPO50 topographical data created and maintained by LINZ