

# SECTION 42A REPORT

Report on submissions and further submissions on the  
Proposed Waikato District Plan

## Hearing 4: Tangata Whenua

Report prepared by: Sheryl Paekau

Dated: 11.10.19



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**List of submitters and further submitters addressed in this report.**

<b>Submitter</b>	<b>Submission number</b>
Aaran Elkington	915
Alesha Ramari Kaka (Parker)	927
Andrew and Christine Gore	330
Anthony Elkington	904
Arnelle Hemi	900
Arthur Elkington	905
Ashton Frew	932
Baylee Modlik	935
Ben Knapp	928
Chantelle White	929
Dalton Wihongi	918
David Smiler	885
Dean Leutele	896
Federated Farmers of New Zealand	680
GE Free New Zealand	651
Graham Kendall	931
Hannah Fisi'ihoi	881
Heritage New Zealand Lower Northern Office	559
Hiini Kepa	164
Irene Hemi	893
Jackie Colliar	493
Jade Hyslop	435
Jared Smiler	887
Jayde Smiler	883
Jeneah Smiler	886
Jevan Kaka	926
John Angus Kendall	891
John Lawson	825
Jonelle Modlik	917
Karen Hoki Parker	925
Kaui Wihongi	919

<b>Submitter</b>	<b>Submission number</b>
Nephi Marangai Elkington	906
Noel Morris	913
Pareatue Kereopa Whanau Trust	377
Paula Dudley	328
Pene Wahanui (Benjamin) Hemi	894
Pirihira Bassett	889
Rachel Leutele	895
Raglan Naturally	831
Rebekah Hemi	892
Rei Elkington-Kendall	914
Reuben Smiler	884
Ria Harrison	908
Romana Graham	711
Samuel Frew	714
Samuel Harrison	909
Sharon Elkington	903
Sharp Planning Solutions Ltd	695
Sheryl Tukiri	188
Strantz Ian Wihongi	710
Strantz Tukiri Kendall	864
Summer Ata Brown	890
Sydina Curtis	920
Tahana Elkington	911
Tainui o Tainui	942
Tangata Whenua Working Group	388
Tania Enoka	898
Tapsell Enoka	899
Te Kopua 2B3 Incorporation	505
Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust	152
Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust	300
Tiwini Hemi	901

Kenneth Kauluwehi	882
Kimberley Modlik	936
Lakeside Developments 2017 Limited	579
Malibu Hamilton	553
Manu-ofa-tupufo'ou Fisi'ihoi	897
May-Grace Elkington	910
Megan Tuhoro	933
Mele Elkington	916
Mercer Residents and Ratepayers Committee	367
Michael Edmonds	504
Mona Elkington	907
Murray Bassett	888
Natasha Osborne	930
Ngaati Haua Iwi Trust	379
Ngaati Tamaoho Trust	567
Ngaati Te Ata	798

Turangawaewae Board of Trustees – D Ngataki	940
Turangawaewae Trust Board	984
Tyler Morris (Elkington)	912
Vera van der Voorden	802
Vicki Lee Wihongi	709
Waahi Whaanui Trust	380
Waikato District Council	697
Waikato District Health Board	923
Waikato River Authority	642
Waikato-Tainui	286
Waipa District Council	939
Whaingaroa Environmental Defence Incorporation	780
Whenua Holdings Waikato Limited	829
William Elkington	902
William Ormsby	44

<b>Further Submitters</b>	<b>FS No</b>
<i>Department of Conservation</i>	<i>FS1293</i>
<i>Genesis Energy</i>	<i>FS1345</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>
<i>Jackson property Group</i>	<i>FS1022</i>
<i>Lakeside Development Limited</i>	<i>FS1371</i>
<i>Mercury New Zealand Limited</i>	<i>FS1223</i>
<i>Mercury New Zealand Limited</i>	<i>FS1386</i>
<i>Mercury New Zealand Limited</i>	<i>FS1387</i>

<b>Further Submitters</b>	<b>FS No</b>
<i>Mercury New Zealand Limited</i>	<i>FS1388</i>
<i>Ngaati Tamaoho Trust</i>	<i>FS1369</i>
<i>Pareoranga Te Kata</i>	<i>FS1035</i>
<i>Ports of Auckland Ltd</i>	<i>FS1087</i>
<i>Turangawaewae Trust Board – V Kingi</i>	<i>FS1139</i>
<i>Waikato Regional Council</i>	<i>FS1277</i>
<i>Waikato River Authority</i>	<i>FS1223</i>
<i>Waikato-Tainui</i>	<i>FS1108</i>

**Please refer to Appendix I to see where each submission point is addressed within this report.**

# I Introduction

Ko Tainui Te Waka

Ko Waikato me Ngaati Maniapoto ooku Iwi

Ko Ngaati Whauroa, Ngaati Tamainupo, Ngaati Kinohaku, Ngaati Raruaahau

Ko Te Kauri me Waingaro, Oparure nga Marae

KoEketone raua Ko Joseph, Ko Atutahi, Ko Hall, ooku Tuupuna

Ko Sheryl Paekau taaku ingoa

No Ngaruawahia taaku kaainga.

## 1.1 Qualifications and Experience

1. My name is Sheryl Ann Wikitoria Paekau. I am employed by Waikato District Council as a Policy Planner within the Resource Management Team.
2. I have been employed for 34 years in various local government roles through the amalgamation of local councils here in Ngaruawahia, which became the Waikato District Council. For the last 10 years, I have been employed as a Policy Planner dealing with the District Plan Review, having particular focus on Maaori planning issues. In this role I have undertaken the following tasks and responsibilities: to identify the needs of Maaori Planning and the utilisation of Maaori Land Development, and to align these requirements with current legislation, primarily the Regional Policy Statement, the Resource Management Act and the Te Ture Whenua Maaori Act. Particular attention was given to utilising Maaori Land development for Papakainga and Marae, with some sustainable activities throughout the entire Waikato District Council takiwaa (area). This also has included identification of Maaori Areas and Sites of Significance. This whole kaupapa has involved engagement with Marae, Iwi Management committees, Maaori Land Whanau and Ahuwhenua Trusts, Kaumatua groups, individual Maaori land owners, local and regional Council staff and continual collaboration with other government agencies - Māori Land Court, Waikato Regional Council, Te Puni Kokiri and Future Proof, that support Maaori development.
3. I have been employed by the Council as a policy planner since 2009. In this role I have undertaken the following tasks and responsibilities of learning and supporting district plan processes under the Resource Management Act, Local Government Act and the importance of giving effect to the Regional Policy Statement, while at the same time seeing how this legislation can be practically applied to 'recognising and providing for' matters of national importance to Maaori. Some of these responsibilities and tasks have been identifying and maintaining relationships with Iwi/hapuu/Marae and owners of Maaori land. This includes supporting and informing whanau of necessary processes to enable utilisation and development of Maaori land, familiarising application of Resource Management Act (RMA) processes to benefit Maaori management of Maaori resources, and especially seeking what desires and aspirations Maaori need to overcome landlessness and houselessness. This work has also been closely supported by workshops in collaboration with the Māori Land Court, Waikato Regional Council and Te Puni Kokiri to help Maaori land owners with their whanau. It has required personal learning about the functions and roles of legislative processes to benefit my experience.
4. My experience and drive come from whanau responsibilities from my parents and maternal grandmother, who have numerous shareholdings in Maaori land but passed on the frustration of the inability to utilise their holdings. I therefore gained a Bachelor Degree in

Iwi Environmental Management from Te Waananga o Aotearoa and started a Post Graduate Degree in Maaori Heritage Management, and become a Policy Planner in 2009.

5. I hold the qualifications of Bachelor of Iwi Environmental Management from Te Wananga o Aotearoa.

## **1.2 Code of Conduct**

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

## **1.3 Conflict of Interest**

8. I confirm that I have no real or perceived conflict of interest other than I am Maaori and I have whanau shareholder interests in several land blocks in Waikato, Maniapoto, Taranaki Wellington and Wakatu. My topics of interest are for the benefit of all Maaori who have Maaori land interests and who wish to utilise and redevelop their relationship with their whenua (land). I have engaged with Maaori land owners and organisations during the past nine years within our district, and the Waikato region about Maaori land and the need to influence district plan rules and to be involved in the process.
9. However, I do wish to declare that I have a family relationship with several submitters in Raglan through my deceased husband, Matt Hori Paekau, who are all cousins and shareholders in Maaori land blocks at Te Kopua, Whaanga Coast and Rakaunui. My daughter Keren Paekau submits on behalf of Te Kopua 2B3 Incorporation as a Board Member, and my husband's niece, Rolande Paekau, submits on behalf of Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust. They are both beneficiaries in the same Maaori land blocks in Whaingaroa.
10. I also wish to declare my relationship with Commissioner Weo Maag. I do not know him well, but we have established that our grandmothers are sisters, both being from the Eketone whanau from Te Kuiti. The only association I have had with him in relation to the Proposed District Plan is that he was the Chairperson when I presented the draft Waikato district plan Maaori Land rules to the Maniapoto Māori Trust Board in 2018.

## **1.4 Preparation of this report**

11. The scope of evidence relates to evaluation of submissions and further submissions received in relation to Tangata Whenua issues.
12. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

# **2 Scope of Report**

## **2.1 Matters addressed by this report**

13. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to Chapter 2 Tangata Whenua. The report also addresses submissions on rules in zone chapters that deal with Maaori land.

Submissions on provisions in Chapters 1, 3 and 5 that mention Tangata Whenua issues are also addressed.

## 2.2 Overview of Chapter 2

14. Chapter 2 contains Objectives and Policies addressing Tangata Whenua planning issues. Chapter 2 also contains explanations of Maaori land ownership and its management within Waikato District, the legislative context, including the RMA and Te Ture Whenua Māori Act 1993, concept management plans and iwi management plans.
15. Chapter 2 provides background and better understanding of issues around the ability of using and managing Maaori freehold and Maaori customary land throughout the Waikato district. Tangata Whenua aspirations are supported and given more consideration by the objectives, policies, rules and methods.
16. Strategic Objective 2.11 Tautoko te Whakatipuranga supports Iwi aspirations to grow a prosperous, healthy, vibrant, innovative and culturally strong people who can have that relationship with their ancestral lands, water, sites, waahi tapu, and other taonga, in accordance with Resource Management Act, and the Waikato Regional Policy Statement. The Objectives and Policies support Maaori kaupapa and kaitiakitanga, required under statutory requirements, and also gives Maaori that wairuatanga (spiritual) connection through the use of their Reo (language).
17. Development of marae complexes and papakainga housing development on Maaori Freehold and Maaori Customary land is supported by an activity rule in most zones, except the Industrial and Country Living Zones.

## 2.3 Statutory Requirements

18. The district council has legal obligations with respect to Tangata Whenua when managing the natural and physical resources of the district. The obligations are set out in the Resource Management Act 1991:
  - 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, wāhi tapu, and other taonga - section 6 (e)
  - Have particular regard to kaitiakitanga - Section 7 (a)
  - Take into account the principles of the Treaty of Waitangi - Section 8
  - Have regard to any relevant planning document recognised by an Iwi authority -Section 74 (2A)
  - The requirement to consult with Tangata Whenua during the preparation of a proposed plan, including any proposed plan changes - Schedule 1 cl.(3)(d).
19. The Local Government Act 2002 section 77 requires the district council to take into account the relationships of Maaori, 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. The objectives and policies have given effect to these obligations in respect to Tangata Whenua.
20. The Tangata Whenua chapter has given effect to the Waikato Regional Policy Statement, particular sections Policy 4.3 Tangata Whenua and Policy 6.4 Marae and Papakainga.

# 3 Submissions received

## 3.1 Overview of submissions

21. Council received 93 original submissions, with 222 submission points on Tangata Whenua issues.

The most common submission points were:

- Support to retain the Tangata Whenua Chapter (61)

- Support to retain particular sections of the Tangata Whenua Chapter (85)
- Requests to amend Sections of the Tangata Whenua Chapter and rules (76)

### 3.2 Structure of this report

22. I have structured this report to reflect the above groups of submissions.

## 4 Support for Chapter 2 Tangata Whenua

### Introduction

23. Submissions in support of Chapter 2 have welcomed the overall purpose of the chapter in the Proposed Waikato District Plan (PWDP), and see the intentions as overcoming some of the barriers and difficulties in developing Maaori land for the wellbeing of whanau and their hapuu. Many submitters commented that the content in the PWDP supports the social, cultural and economic aspirations of mana whenua. Strong support is expressed by descendants of the Whaanga Coast - Ngaati Koata hapuu - who feel that they will now be able to reinvigorate their connections with the whenua, the local Iwi and the wider community.

### Submissions

24. 61 submissions support and seek retention the Tangata Whenua Chapter 2. Two further submissions were received, one of which was in support and one opposed. The following submissions were made:

Submission Point	Submitter	Summary of Submission
188.1	Sheryl Tukiri	Retain Chapter 2 Tangata Whenua as notified.
328.1	Paula Dudley	Retain Chapter 2 Tangata Whenua.
<i>FS/386.385</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 328.1</i>
379.2	Ngati Haua Iwi Trust	Retain Chapter 2 Tangata Whenua.
709.1	Vicki Lee Wihongi	Retain Chapter 2 Tangata whenua.
710.1	Strantz Ian Wihongi	Retain Chapter 2 Tangata Whenua.
711.1	Romana Graham	Retain Chapter 2 Tangata Whenua.
714.1	Samuel Frew	Retain Chapter 2 Tangata Whenua.
864.1	Strantz Tukiri Kendall	Retain Chapter 2 Tangata Whenua.
881.1	Hannah Fisi'ihoi	Retain Chapter 2 Tangata Whenua.
882.1	Kenneth Kauluwehi	Retain Chapter 2 Tangata Whenua.
883.1	Jayde Smiler	Retain Chapter 2 Tangata Whenua.
884.1	Reuben Smiler	Retain Chapter 2 Tangata Whenua.
885.1	David Smiler	Retain Chapter 2 Tangata Whenua.
886.1	Jeneah Smiler	Retain Chapter 2 Tangata Whenua.



887.1	Jared Smiler	Retain Chapter 2 Tangata Whenua.
888.1	Murray Bassett	Retain Chapter 2 Tangata Whenua.
889.1	Pirihira Bassett	Retain Chapter 2 Tangata Whenua.
890.1	Summer Ata Brown	Retain Chapter 2 Tangata Whenua.
891.1	John Angus Kendall	Retain Chapter 2 Tangata Whenua.
892.1	Rebekah Hemi	Retain Chapter 2 Tangata Whenua.
893.1	Irene Hemi	Retain Chapter 2 Tangata Whenua.
894.1	Pene Wahanui (Benjamin) Hemi	Retain Chapter 2 Tangata Whenua.
895.1	Rachel Leutele	Retain Chapter 2 Tangata Whenua.
896.1	Dean Leutele	Retain Chapter 2 Tangata Whenua.
897.1	Manu-ofa-tupufo'ou Fisi'ihoi	Retain Chapter 2 Tangata Whenua.
898.1	Tania Enoka	Retain Chapter 2 Tangata Whenua.
899.1	Tapsell Enoka	Retain Chapter 2 Tangata Whenua.
900.1	Arnelle Hemi	Retain Chapter 2 Tangata Whenua.
901.1	Tiwini Hemi	Retain Chapter 2 Tangata Whenua.
902.1	William Elkington	Retain Chapter 2 Tangata Whenua.
903.1	Sharon Elkington	Retain Chapter 2 Tangata Whenua.
904.1	Anthony Elkington	Retain Chapter 2 Tangata Whenua.
905.1	Arthur Elkington	Retain Chapter 2 Tangata Whenua.
906.1	Nephi Marangai Elkington	Retain Chapter 2 Tangata Whenua.
907.1	Mona Elkington	Retain Chapter 2 Tangata Whenua.
908.1	Ria Harrison	Retain Chapter 2 Tangata Whenua.
909.1	Samuel Harrison	Retain Chapter 2 Tangata Whenua.
910.1	May-Grace Elkington	Retain Chapter 2 Tangata Whenua.
911.1	Tahana Elkington	Retain Chapter 2 Tangata Whenua.
912.1	Tyler Morris (Elkington)	Retain Chapter 2 Tangata Whenua.
913.1	Noel Morris	Retain Chapter 2 Tangata Whenua.
914.1	Rei Elkington-Kendall	Retain Chapter 2 Tangata Whenua.
915.1	Aaran Elkington	Retain Chapter 2 Tangata Whenua.
916.1	Mele Elkington	Retain Chapter 2 Tangata Whenua.
917.1	Jonelle Modlik	Retain Chapter 2 Tangata Whenua.

918.1	Dalton Wihongi	Retain Chapter 2 Tangata Whenua.
919.1	Kauai Wihongi	Retain Chapter 2 Tangata Whenua.
920.1	Sydina Curtis	Retain Chapter 2 Tangata Whenua.
925.1	Karen Hoki Parker	Retain Chapter 2 Tangata Whenua.
926.1	Jevan Kaka	Retain Chapter 2 Tangata Whenua.
927.1	Alesha Ramari Kaka (Parker)	Retain Chapter 2 Tangata Whenua.
928.1	Ben Knapp	Retain Chapter 2 Tangata Whenua.
929.1	Chantelle White	Retain Chapter 2 Tangata Whenua.
930.1	Natasha Osborne	Retain Chapter 2 Tangata Whenua.
931.1	Graham Kendall	Retain Chapter 2 Tangata Whenua.
932.1	Ashton Frew	Retain Chapter 2 Tangata Whenua.
933.1	Megan Tuhoro	Retain Chapter 2 Tangata Whenua.
935.1	Baylee Modlik	Retain Chapter 2 Tangata Whenua.
936.1	Kimberley Modlik	Retain Chapter 2 Tangata Whenua.
939.6	Waipa District Council	Retain Chapter 2 Tangata Whenua.
<i>FS1369.25</i>	<i>Ngaati Tamaoho Trust</i>	<i>Support 939.6</i>
164.1	Kepa Hiini	No decision sought, but submission states support for Chapter 2 Tangata whenua.

### Analysis

25. The submitters have commented that Chapter 2 addresses tangata whenua's concerns, issues and opportunities. It allows and provides for Maaori to use Maaori land and develop the land, particularly for papakainga.
26. Many of the submitters supporting the inclusion of the Tangata Whenua chapter are from the Ngaati Koata hapuu of Raglan. I believe that they represent the wishes of many other owners and beneficiaries of Maaori land. Their comments have expressed aspirations that the district plan supports more effectively the occupation and development of Maaori land. They see that this will allow them to utilise, manage and enjoy their traditional resources in accordance with Tikanga Maaori, and strengthen their reconnection with their whenua, the marae and whanau relationships.
27. These submissions reflect feedback from four years of pre-planning and engagement participation, and preparation of the PWDP. The approach was supported by Iwi/Hapuu/Marae/Whanau/Land Trust groups at workshops and meetings. They welcomed the development of the Tangata Whenua chapter and the introduction of permitted activity rules. The workshops were prepared by The Waikato Agencies Papakainga Forum (Te Puni Kokiri, Māori Land Court, Waikato Regional Council and Waikato District Council) to help Maaori Land Trusts and their owners to be informed and assisted with development of their land. One of the ways to support that is by having the enabling district plan rules in place. Their participation was recorded and continually supported by the agencies.

28. There are no original submissions that seek to delete Chapter 2. I consider that this significant support from submitters justifies the retention of Chapter 2, and I consider that these submissions should be accepted in part, subject to the minor wording changes recommended below in response other submissions.
29. One further submission was received from Ngaati Tamaoho [FS/369.25] supporting Waipa District Council [939.6]. I recommend that the support of Ngaati Tamaoho is accepted in part.
30. An opposing further submission was received from Mercury NZ Limited [FS/386.385], in opposition to Paula Dudley [328.1]. Mercury made numerous further submissions opposing original submissions in the PWDP, on the basis that no flood maps were available at the time of further submissions. Chapter 2 contains no reference to natural hazards, and I consider it unnecessary to cover natural hazards in this hearing. I consider that it would be better to await hearings on Stage 2 of the PWDP concerning natural hazards provisions. The Hearings Panel can consider any implications for Chapter 2 at that time. I therefore recommend that the further submission be rejected.

### Recommendation

31. I recommend, for the reasons given above, that Tangata Whenua Chapter 2 be retained, and that the Hearings Panel:
- Accept in part all submissions in the table above, to the extent that they are seeking retention of Chapter 2 Tangata Whenua, subject to changes to the chapter recommended in later sections of this report.
  - Accept in part the further submission from Ngaati Tamaoho Trust [FS/369.25]
  - Reject the further submission from Mercury NZ Limited [FS/386.385].

### Amendments

32. There are no amendments recommended in this section of the report arising from these submissions.

## 5 Submissions generally supporting Chapter 2, without specific decision sought

Submission Point	Submitter	Summary of Submission
330.55	Andrew and Christine Gore	No specific decision sought, however submission refers to Chapter 2 Tangata Whenua.
940.3	Turangawaewae Board of Trustees	No specific decision sought, but the submitter identifies a main interest around Chapter 2 Tangata Whenua which addresses Tangata Whenua concerns, issues and opportunities.
<i>FS/035.5</i>	<i>Pareoranga Te Kata</i>	<i>Support 940.3</i>
493.27	Jackie Colliar	No specific decision sought, but submission supports the introduction of a specific chapter addressing Tangata Whenua

		concerns, issues and opportunities.
FSI035.80	Pareoranga Te Kata	Support 493.27
FSI139.112	Turangawaewae Trust Board – V Kingi	Support 493.27

### Analysis

33. These submitters are similar to the previous group, in expressing broad support for Chapter 2 Tangata Whenua. While they do not ask for any specific decision, I consider that they also wish to see the chapter retained in the PWDP, as recommended above. Accordingly, my recommendation is to accept all of these submissions in part.

### Recommendation

34. I recommend, for the reasons given above, that the Hearings Panel:
- Accept in part all submissions in the table above, to the extent that they are seeking retention of Chapter 2 Tangata Whenua, subject to changes to the chapter as recommended in later sections of this report.

### Amendments

35. There are no amendments recommended in this section of my report arising from the aforementioned submissions.

## 6 Chapter 2 Introductory sections 2.1-2.5

Submission Point	Submitter	Summary of Submission
388.1	Tangata Whenua Working Group	Retain the introduction of Chapter 2 Tangata Whenua addressing Tangata Whenua concerns, issues and opportunities.
286.9	Waikato-Tainui	No specific decision sought but the submission supports the introduction of a specific chapter addressing Tangata whenua concerns, issues and opportunities.
FSI035.15	Pareoranga Te Kata	Support in full
940.4	Turangawaewae Board of Trustees	No specific decision sought, but the submitter notes that Chapter 2 Tangata Whenua discusses a range of statutory requirements specific to the Treaty of Waitangi, the Waikato River Settlement Act 2010 and the Resource Management Act.
FSI035.6	Pareoranga Te Kata	Support 940.4
642.2	Waikato River Authority	Add a section to the Proposed District Plan acknowledging the related settlements

<b>Submission Point</b>	<b>Submitter</b>	<b>Summary of Submission</b>
		to the Waikato District area including the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.
<i>FSI035.46</i>	<i>Pareoranga Te Kata</i>	<i>Support 642.2</i>
<i>FSI037.2</i>	<i>Waikato River Authority</i>	<i>Support 642.2</i>
<i>FSI108.101</i>	<i>Waikato-Tainui</i>	<i>General Support 642.2</i>
<i>FSI139.88</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>General Support 642,2</i>
<i>FSI223.124</i>	<i>Mercury New Zealand Limited</i>	<i>Support 642.2</i>
642.3	Waikato River Authority	Retain the Tangata Whenua chapter to better express and give effect to the relationship between River Iwi, Hapuu and Marae, to the Waikato River and all it embraces.
<i>FSI035.47</i>	<i>Pareoranga Te Kata</i>	<i>Support 642.3</i>
<i>FSI037.3</i>	<i>Waikato River Authority</i>	<i>Support 642.3</i>
<i>FSI087.20</i>	<i>Ports of Auckland Limited</i>	<i>Support 642.3</i>
<i>FSI108.102</i>	<i>Waikato-Tainui</i>	<i>General Support 642.3</i>
<i>FSI139.89</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>General Support 642.3</i>
<i>FSI293.37</i>	<i>Department of Conservation</i>	<i>Support 642.3</i>
380.4	Waahi Whaanui Trust	No specific decision sought, but submission states that the Tangata Whenua chapter discusses statutory responsibilities that are required of the Treaty of Waitangi, The Waikato River Settlement Act 2010, the Resource Management Act and the Waikato River Vision and Strategy, amongst others.
380.11	Waahi Whaanui Trust	No specific decision sought, but the submitter seeks to work together in partnership with Waikato District Council to enhance cultural relationships that Whaanui has with the Waikato River and including initiatives intended to address loss of erosion of mana, historical knowledge, tikanga, tribal identity and including identifying, preserving and where appropriate protecting waahi tapu.
942.8	Tainui o Tainui	Amend Section 2.4 Principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to

<b>Submission Point</b>	<b>Submitter</b>	<b>Summary of Submission</b>
		include principles of partnership, reciprocity, mutual benefit, to make informed decisions and active protection.
380.2	Waahi Whaanui Trust	No specific decision sought, but the submitter seeks that the Waikato District Council communicate and engage directly with Whaanui in all discussions, planning and development of master plans, and blueprint scoping within and for Raahui Pookeka (Huntly).
798.1	Ngaati Te Ata	No specific decision sought, but submission generally supports the Proposed District Plan, including: Protection of culture and heritage; Innovative ways to encourage development on Maaori Freehold Land with Papakainga housing developments etc; Adding approximately 60 heritage sites and buildings; Adding 16 notable trees; and Rules being amended to provide for ongoing maintenance and care or repair.
<i>FSI 108.33</i>	<i>Waikato-Tainui</i>	<i>Support 798.1</i>
152.1	Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust	Amend Section 2.2 (a) Background to apply the Resource Management Act definitions of "Tangata Whenua" and "Mana Whenua", as follows: Tangata Whenua; in relation to a particular area means the iwi, or hapu, that holds mana Whenua over that area. Mana Whenua; means customary authority exercised by an iwi or hapu in an identified area.
300.1	Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust	Amend Section 2.2 Background to apply the Resource Management definitions, as follows: Tangata Whenua: In relation to a particular area means the iwi, or hapu, that holds mana whenua over that area. Mana Whenua: Means customary authority exercised by an iwi or hapu in an identified area. AND Amend Section 2.2 Background to recognise that Waikato-Tainui do not have authority or Tangata Whenua status in Raglan. Tangata Whenua in Whaingaroa are only those that can whakapapa to Whaingaroa.
<i>FSI 108.33</i>	<i>Waikato-Tainui</i>	<i>Support 300.1</i>
377.1	Pareaute Kereopa Whanau	Amend Section 2.2 (a) Background - to

Submission Point	Submitter	Summary of Submission
	Trust	apply the Resource Management Act definitions, as follows: Tangata whenua: In relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area. Mana whenua: Means customary authority exercised by an iwi or hapu in an identified area. AND Amend Section 2.2 (a) Background which states that Waikato-Tainui is Tangata Whenua of the Waikato district.
504.1	Michael Edmonds	Amend Section 2.2(a) Background, to apply the RMA definitions as follows: Tangata whenua: In relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area. Mana whenua: Means customary authority exercised by an iwi or hapu in an identified area. AND Amend Section 2.2 Background which states that Waikato-Tainui is Tangata whenua of the Waikato District.
505.1	Te Kopua 2B3 Incorporation	Amend Section 2.2(a) Background, to apply the RMA definitions, as follows: Tangata whenua: In relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area. Mana whenua: Means customary authority exercised by an iwi or hapu in an identified area. AND Amend Section 2.2 Background, which states that Waikato-Tainui is Tangata whenua of the Waikato District.
942.6	Tainui o Tainui	Amend Section 2.2(a) Background to recognise all whanau, hapu and iwi within the district. eg. Tainui, Nga Uri o Mahanga/Hourua, Ngati Whakamarurangi and Ngati Tamainupo/Nga Tokotoru.
942.7	Tainui o Tainui	Amend Section 2.2(b) Background, as follows: The Waikato River is the tuupuna (ancestor) of Waikato-Tainui from which Tainui derive their name. <u>Tainui relates to the sea, waka and the people who descend from the original people of an area that includes Waikato. Tainui also refers to a confederation of the 12 hapu of Whaingaroa.</u> The Kingitanga movement ...
697.357	Waikato District Council	Amend Policy 2.2(a) Background as follows: .... There are 41 marae within

Submission Point	Submitter	Summary of Submission
		the Waikato District Council area.
<i>FSI 108.9</i>	<i>Waikato-Tainui</i>	<i>Support 697.357</i>
<i>FSI 139.9</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Support 697.357</i>
697.358	Waikato District Council	Amend Policy 2.2(c) Background as follows...have also developed relationships with the Waikato District Council.
152.2	The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.5 Understanding of Maori Land Ownership, as notified.
300.2	The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.5 Understanding Maori Land Ownership, which addresses the change of Maori Freehold Title to Maori land blocks across Waikato District.
942.38	Tainui o Tainui	The submitter supports the plan's acknowledgement of the extra burden placed on Maori landowners to satisfy both Te Ture Whenua Maori Act and the Resource Management Act.

## Analysis

36. Chapter 2 sections 2.1-2.5 provide a brief introduction to the purpose and context of the Tangata Whenua chapter – that of taking the big picture approach and using tools provided under the RMA, i.e. an active role through self-management, land planning, iwi management and better understanding of Maori land use.
37. Turangawaewae Trust Board- D Ngataki [940.4], Waikato River Authority [642.2 and 642.3] and Waahi Whaanui Trust [380.4 and 380.11] support the introduction, but make a request for the chapter to give attention to Waikato River settlement legislation along with the other legislation mentioned in the chapter.
38. The submission from the Tangata Whenua Working Group [388.1] sought to retain the introduction of Chapter 2 Tangata Whenua addressing Tangata Whenua concerns, issues and opportunities.
39. Further submissions from Pareoranga Te Kata [FSI035.15], [FSI035.5], [FSI035.80], [FSI035.46], [FSI035.47], Waikato-Tainui [FSI108.33], [FSI108.101], [FSI108.102], Heritage NZ Pouhere Taonga [FSI323.169], Turangawaewae Trust Board – V Kingi [FSI139.112], [FSI139.88], [FSI139.89], Waikato River Authority [FSI037.2], [FSI037.3], Mercury NZ Limited [FSI223.124], Ports of Auckland Limited [FSI087.20] and Department of Conservation [FSI293.37] all support the request for the chapter to give attention to Waikato River settlement legislation along with the other legislation mentioned in the chapter.
40. In opening submissions to the Hearings Panel on 30 September 2019, Waikato-Tainui representatives spoke of the importance of the river to Waikato Tainui.
41. While I acknowledge the importance of this matter, I consider it is unnecessary to go into greater detail in Chapter 2 about the Waikato River settlement legislation in Chapter 2. Chapter 1, section 1.7, as notified referred to the settlement legislation and quoted parts of



the legislation relating to the Vision and Strategy for the Waikato River. This section was addressed in Hearing 1 Introduction and the Section 42A (para 321-330) recommended summarising this material into a shorter form.

42. The settlement legislation has undoubted importance in establishing governance relationships around the Waikato River, establishing the vision and strategy, and placing significant responsibilities on Waikato District Council. As well as in Chapter 1, the legislation is referenced in Chapter 2, section 2.2, and is a starting point for the policy direction, but the purpose of Chapter 2 is more specific: it is to present objectives and policies for tangata whenua management and planning for their land, with special emphasis on enabling Maaori land use. For this reason, I recommend that this part of the above submissions be rejected, and that details of the legislation are not added to Chapter 2.
43. *Tainui o Tainui* [942.8] has asked Council to consider and amend Chapter 2.4 to include other Treaty principles. I consider it is unnecessary to add any more to this section. The Treaty principles are, like the settlement legislation, of undoubted general importance, but are not the focus of Chapter 2, which presents objectives and policies for land use planning by Tangata Whenua.
44. I consider that the principles mentioned in PWDP Chapter 2.4 are an appropriate starting point, but future decision making is not limited to these five matters. Any Iwi document or management plan that is lodged with Council could state other principles that are important to the iwi and these would be 'taken into account' under sections 8 and 74 of the Resource Management Act. I recommend that *Tainui o Tainui* [942.8] be rejected and that further material is not added to section 2.4.
45. Submitter *Waahi Whaanui Trust* [380.2 and 380.11] is acknowledged, although a decision is not sought. Participation and engagement with *Waahi Whaanui* was important to the district plan consultation process. *Kaitiaki* participated in regular discussions through the Iwi Reference Group meetings and the requirement of RMA Clause 3(1)(d) and Clause 4A of Schedule 1 concerning iwi authorities, that took place. The district plan makes provision in Chapters 1 and 2 for ongoing consultation with Tangata Whenua. Hapuu Management Plans and Memorandum of Understanding documents are tools for partnering relationships.
46. I acknowledge *Ngaati Te Ata's* [798.1] submission supporting the approach of the general management of Maaori issues within the district plan process, and the further submission support of *Waikato-Tainui* [FS1/08.33]. I recommend that submission [798.1] and further submission [FS1/08.33] be accepted.
47. The submissions made by *Te Whaanga 2B3B2* and *2B1 Ahu Whenua Trust* [152.1 and 300.1], *Pareaute Kereopa Whanau Trust* [377.1], *Michael Edmonds* [504.1] and *Te Kopua 2B3 Incorporation* [505.1] are correct in their definition of Tangata Whenua. I have recommended amending the text in Chapter 2.2(a), and the amendment is outlined below in the recommendations. I recommend that the correction sought by these submitters be accepted.
48. Submitter *Tainui o Tainui* [942.6] seeks to have other hapuu recognised in the district. I disagree with amending the Chapter 2 text to include this. Chapter 1.6.1(b) includes a list of *Tainui* hapuu, some of which are noted by the submitter. Council recognises that the list is not limited to those listed, however the information is best placed as it is, in the introduction chapter. Hapuu are best recognised and taken into account by their introduction via an Iwi Management Plan (IMP) and lodged with the Council. I believe IMPs improve relationships for partnership and engagement. I recommend that this submission be rejected.
49. Submitter *Tainui o Tainui* [942.7] also seeks to correct the text in Chapter 2.2(b) in regard to where *Waikato-Tainui* derived its name. The submitter is making a noted difference between *Waikato-Tainui* the Iwi and *Tainui* hapuu. This is unnecessary detail for the purpose of the district plan, therefore I recommend that this point be rejected.

50. Waikato District Council submissions [697.357, 697.358] seek amendments to provide clarity to text in 2.2(a) and 2.2(c). The details are set out in full below under amendments. The amendments are supported by Waikato-Tainui [FSI/108.9] and Turangawaewae Trust Board - V Kingi [FSI/139.9]. I recommend that both corrections be accepted, for text clarity.
51. Both submissions made by Te Whaanga 2B3B2 and 2BI Ahu Whenua Trust [152.2 and 300.2] support Chapter 2.5 Understanding Maaori Land. There are no objections or further submissions, therefore I recommend that the submissions be accepted.
52. Submission Tainui o Tainui [942.38] relates to Chapter 1.4.5 and was addressed in the Section 42A report for Chapter 1 Introduction. In this hearing report, it was recommended that Chapter 1.4.5 be deleted, given that this information is already contained in Chapter 2.5. The submitter supports the acknowledgment of the burden placed on Maori landowners to satisfy Te Ture Whenua Maaori Act and the RMA when attempting to utilise their land. I agree with this statement, and the PWDP has provided a process to work within the legislation to recognise and provide for this matter. I recommend that this statement can be accepted and appropriately acknowledged within Chapter 2.5. For this reason I confirm the recommendation in Hearing 1 to accept in part this submission point.

### Recommendations

53. For the reasons above, I recommend that the Hearing Panel:
- Accept the submission from the Tangata Whenua Working Group [388.1].
  - Reject the further submissions in support of amending the Tangata Whenua chapter with the Waikato River legislation for the reasons above.
  - Accept Waikato District Council submissions [697.357, 697.358] and amend the text accordingly as shown below.
  - Accept the supporting further submissions Waikato Tainui [FSI/108.9] and Turangawaewae Trust Board - V Kingi [FSI/139.9].
  - Accept Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust submissions [152.2, 300.2].
  - Accept Ngaati Te Ata's [798.1] and supporting further submission of Waikato-Tainui [FSI/108.33].
  - Accept Te Whaanga 2B3B2 and 2BI Ahu Whenua Trust [152.1 and 300.1], Pareaute Kereopa Whanau Trust [377.1], Michael Edmonds [504.1] and Te Kopua 2B3 Incorporation [505.1].
  - Accept in part Waahi Whaanui [380.2 and 380.11], to the extent that they support the plan provisions.
  - Reject Turangawaewae Trust Board - D Ngataki [940.4], Waikato River Authority [642.2 and 642.3] and Waahi Whaanui [380.4 and 380.11].
  - Reject Tainui o Tainui [942.6, 942.7, 942.8].
  - Accept in part Tainui o Tainui [942.38].

### Amendments

54. Amend Chapter 2.2(a) to read
- (a) Maaori are the native people of New Zealand and are of Polynesian descent. They are the "Tangata Whenua, the indigenous people of the land of Aotearoa and their culture is an integral part of local life." It literally means 'people of the land' from tangata, 'people' and whenua, 'land'. Tangata Whenua are made up of several Iwi throughout New Zealand. Within Tangata Whenua, 'Mana Whenua' is a term used to describe those who have tribal links to the local Iwi authority or authorities. Within their tribal areas or 'rohe' they have the tribal authority or 'mana' to act or speak on behalf of the

hapuu/marae/or whaanau groups. It is the power associated with whakapapa, possession and occupation of tribal land. “Te Whakakitenga o Waikato” (Waikato-Tainui) is recognised as the Tangata Whenua Iwi Authority of the Waikato district, but ~~it~~ the Iwi and Council acknowledges that the marae/hapuu have ‘mana whenua’ over their rohe or individual areas of the Waikato. There are 68 marae and 33 hapuu in the Waikato rohe who affiliate to the Waikato-Tainui Iwi Authority. It has a registered membership of over 70,000. There are also many Maaori from other New Zealand tribal areas who choose to ‘live, work and play’ in the Waikato district. There are 41 marae within ~~the~~ Waikato District ~~Council area~~. Tangata Whenua are those who whakapapa to the tribal areas and exercise mana whenua. Council also recognises other hapuu who have received treaty settlement and may identify themselves as Iwi Authorities. As Treaty settlements are settled, there maybe others who wish to be recognised as Iwi Authorities within the Waikato District. Status is also recognised under the Resource Management Act by relevant planning documents recognised by an Iwi authority and lodged with the territorial authority. (s74). [152.1, 300.1, 377.1, 504.1, 505.1]

55. Amend 2.2(c) to read:

(c) These taniwha represent a chief or person of tremendous influence. It underlines the ‘mana’ of the Waikato people. Usually at every bend of the river was a paa with its own chief. Today, Tangata Whenua play a large partnership role in the lifeline of district issues and goals. Important relationships have been formed through the River Settlement Acts: The Waikato River Settlement Act 2010, the Vision and Strategy (Te Ture Whaimana o Te Awa o Waikato) and the Joint Management Agreement, which are redress instruments of a Treaty of Waitangi settlement, so have significant meaning and status for Waikato Tainui. Other hapuu and iwi, including those of the harbours and coastal communities bordering the western boundary of Waikato District have also developed relationships with the Waikato District Council. Many of the issues faced by Tangata Whenua are of historical and current uses of the land and the environment. They will only be solved by changing our relationships and values with the land, air and water. The Council has certain obligations in terms of the Resource Management Act 1991 (RMA 1991) in managing the district’s resources to ensure that Tangata Whenua’s rights are recognised and provided for. However, it is everyone’s responsibility to protect, restore and enhance the natural and cultural resources of the district. Under s6(e) of the RMA 1991, part of Council’s responsibility is to look for ways to recognise and provide for, as a matter of national importance, the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. This can be done by ensuring that policies, rules and methods are provided to enable Tangata Whenua to use their whenua to culturally live, work and play throughout the district. [697.358]

56. Add to Tangata Whenua Chapter 2 Section 2.5 after last sentence:

..... cultural and economic well-being. The burden that is placed on Maaori land owners to satisfy the Te Ture Whenua Maaori Act and the RMA is acknowledged when attempting to utilise their land. Objectives, policies and enabling rules have been provided to assist this matter. [942.38]

### Section 32AA evaluation

57. These amendments are explanatory in nature to assist with the understanding of planning in relation to tangata whenua and iwi. Accordingly, no s32AA evaluation has been required to be undertaken.

## 7 Iwi Management Plans - section 2.10

Submission Point	Submitter	Summary of Submission
152.5	The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.10 Iwi Management Plans as notified  AND  Create an Iwi Management Plan fund for Tangata Whenua, dedicated to hapu and marae to develop and implement their respective plans.
44.1	Maniapoto Māori Trust Board	<p>Amend clause (c) in Section 2.10 Iwi Management Plans, as follows: 2.10 Iwi Management Plans The Waikato-Tainui Environmental Plan and the Maniapoto Iwi Management Plans are redress instruments of Treaty settlements: <u>and</u></p> <p><u>(1) A local authority served under section 15(a) preparing, reviewing, or changing a Resource Management Act 1991 planning document must recognise the environmental plan in the same manner as would be required under the Resource Management Act 1991 for any planning document recognised by an iwi authority.</u></p> <p><u>(2) A consent authority considering an application for a resource consent under section 104 of the Resource Management Act 1991 must have regard to the environmental plan, if it considers that section 104(1)(c) applies to the plan.</u></p> <p><u>(3) A person carrying out functions or exercising powers under sections 12 to 14 of the Fisheries Act 1996 must recognise and provide for the environmental plan to the extent to which its contents relate to the functions or powers.</u></p> <p><u>(4) A person carrying out functions or exercising powers under the conservation legislation in relation to the Waipa River and its catchment must have particular regard to the environmental plan to the extent to which its contents relate to the functions or powers.</u></p> <p>NOTE: It is Council's responsibility to show HOW it gives EFFECT to the Iwi Management Plans and how the Iwi Management Plan is APPLIED within the context of the Proposed District Plan and ALL of its chapters.</p>
<i>FSI035.105</i>	<i>Pareoranga Te Kata</i>	<i>Support 44.1</i>
<i>FSI108.40</i>	<i>Waikato-Tainui</i>	<i>Support 44.1</i>

<b>Submission Point</b>	<b>Submitter</b>	<b>Summary of Submission</b>
<i>FS1293.5</i>	<i>Department of Conservation</i>	<i>Support 44.1</i>
377.3	Pareaute Kereopa Whanau Trust	No specific decision sought, but submission states support for Iwi Management Plans for hapu, iwi groups and organisations  AND  No specific decision sought, but submission states, support for Council creating a Hapu/Iwi Management Plan budget/funding pool for the Waikato district.
435.1	Jade Hyslop	Amend Section 2.10 (a) Tangata Whenua Iwi Management Plans to so that the use of Iwi/Hapu management plans must be adhered to (not merely considered) by working in partnership with iwi representatives/planners.
<i>FS1371.6</i>	<i>Lakeside Development Limited</i>	<i>Oppose 435.1</i>
379.4	Ngati Haua Iwi Trust	Amend Chapter 2 Tangata Whenua, to include specific reference to the Ngati Haua Environmental Management Plan.  AND  Amend the Proposed District Plan, including Section C (Rules) to make consequential amendments to give effect to the matters raised in the submission and relief sought.
<i>FS1293.23</i>	<i>Department of Conservation</i>	<i>Support 379.4</i>
379.3	Ngaati Haua Iwi Trust	Amend Chapter 2 Tangata Whenua, to include specific reference to the Ngati Haua Environmental Management Plan.  AND  Amend the Proposed District Plan, including Section C (Rules) to make consequential amendments to give effect to the matters raised in the submission and relief sought.
<i>FS1293.22</i>	<i>Department of Conservation</i>	<i>Support 379.3</i>
493.3	Jackie Colliar	Amend the Proposed District Plan after engaging with Waikato-Tainui and mana whenua to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao and marae environmental plans have been included in the Waikato District Plan.

Submission Point	Submitter	Summary of Submission
FS1035.56	Pareoranga Te Kata	Support 493.3
FS1139.105	Turangawaewae Trust Board – V Kingi	Support 493.3
FS1388.489	Mercury New Zealand Limited	Oppose 493.3
984.4	Trustee Turangawaewae Trust Board – G Raumati	Amend the Proposed District Plan to ensure that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao has been included, following engagement with Turangawaewae Trust Board.
FS1108.180	Waikato-Tainui	Support 984.4

58. Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [152.5] and Pareaute Kereopa Whanau Trust [377.3] support retaining Section 2.10 Iwi Management Plans as notified. The submitters also recommend Council contributing toward a dedicated funding pool or budget to assist Iwi, hapuu and Marae to enable them to develop their respective plans. Although IMP's are created out of a legislative process, funding is not a district plan process, but could be applied for through the Long Term Plan process in support of Iwi/hapuu Management Plans. I recommend that both submissions be accepted in part, to the extent of retaining 2.10.
59. Maniapoto Maaori Trust Board [44.1] seeks to amend Section 2.10 where it makes reference to the Waikato-Tainui Environmental Plan and the Maniapoto Iwi Management Plans. (Reference to the Maniapoto Iwi Plan should be deleted as this is incorrect. The amendment is addressed below). The submitter draws attention to legislation, stating that Council must "take into account", "must have regard" and to show how it gives effect to Iwi Management Plans are applied within the context of the Proposed Plan and all its chapters. RMA Section 15(1) was replaced by s74(2A). Iwi Management Plans are a "Matter to be considered by the Territorial Authority" in Section 74(2A) as follows:
- "..... Must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district."*
60. The contents of any Iwi Plan are not shown in the district plan, but Chapter 2.10(b) makes it clear that Council takes into account their contents when considering a plan change and tries to align these. This process should involve good practice engagement. It is not practicable to include details of Iwi plans in the district plan, as this will make future changes by Iwi difficult as it would require a plan change to update the district plan to match any amendments to an Iwi plan. I therefore recommend that this submission be accepted in part.
61. Further submissions received from Pareoranga Te Kata [FS1035.105], Waikato-Tainui [FS1108.40] and Department of Conservation [FS1293.5], supporting Maniapoto Maaori Trust Board [44.1], are acknowledged but accepted in part because of the above reason.
62. Jade Hyslop [435.1] has asked to amend Section 2.10 (a) Tangata Whenua Iwi Management Plans, so that the use of Iwi/Hapu management plans must be adhered to (not merely considered) by working in partnership with Iwi representatives/planners. Iwi Management Plans are a "Matter to be considered by the Territorial Authority" in Section 74(2A). The request is outside of the scope of the legislation but good engagement can look at reasonable and agreeable outcomes by working collaboratively. I recommend that the submitter's request that IMP's must be adhered to, be rejected.

63. The further submission from Lakeside Development Limited [FS/371.6] opposes the submission by Jade Hyslop [435.1]. I recommend that this further submission be accepted.
64. Ngaati Haua Iwi Trust [379.3 and 379.4] ask to amend the Proposed District Plan to ensure that the Ngaati Haua Iwi Management Plan and the role of the Trust as Kaitiaki be recognised, and to give effect to the matters raised in the plan. I acknowledge the submissions, but the Ngaati Haua Iwi Management Plan was not available to the council before the Proposed District Plan was publicly notified. It needs to be lodged officially before Council and given proper acknowledgement in accordance with RMA section 74(2A). I suggest that it be left for a future plan change, when it can be added to the list of iwi plans in Chapter 1.7. I therefore recommend that Ngaati Haua's submissions be rejected at this time.
65. Further submissions received from Department of Conservation [FS/293.22 and FS/293.23] in support of Ngaati Haua Iwi Trust [379.3 and 379.4] are acknowledged but rejected for the above reason.
66. Trustee Turangawaewae Trust Board - G Raumati [984.4] and Jackie Colliar [493.3] have asked to amend the Proposed District Plan to ensure that the Waikato-Tainui Environmental Plan - Tai Tumu, Tai Pari, Tai Ao - has been included, following engagement with Turangawaewae Trust Board. Engagement did take place with Waikato-Tainui during the process of preparing the Proposed District Plan draft, and the contents were taken into account and aligned for discussion. I recommend that these submissions be rejected. A letter of acknowledgement from Waikato Tainui of the involvement in the consultation process was presented to the Hearings Panel at Hearing 2 (Hearing 2 – s42A report, para 356 and Appendix 4).
67. Further submissions received in support of [984.4 and 493.3] from Waikato-Tainui [FS/108.180], Pareoranga Te Kata [FS/1035.56], Turangawaewae Trust Board - V Kingi [FS/139.105] and Waikato-Tainui [FS/108.117] are recommended to be rejected because of the above reason.
68. Further submission Mercury New Zealand Limited [FS/388.489] opposes submitter [493.3] because the natural hazard flood provisions and flood maps were not available at the time of lodging further submissions. This seems an odd further submission given the scope of the primary submission and the reasons provided by Mercury New Zealand Limited in their further submission document. I also recommend it to be rejected.

## Recommendations

69. For the reasons above, I recommend that the Hearing Panel:
- Accept in part Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust and [152.5] and Pareaute Kereopa Whanau Trust [377.3].
  - Accept in part Maniapoto Maaori Trust Board [44.1] in regard to correcting reference to Maniapoto Iwi Management Plan, reject inclusion of text of iwi plans in PWDP, and reject supporting further submissions Waikato-Tainui [FS/1035.105], Pareoranga Te Kata [FS/293.5] and Turangawaewae Trust Board [FS/108.40].
  - Reject Jade Hyslop [435.1] and accept opposing further submission Lakeside Development Limited [FS/371.6].
  - Reject Ngaati Haua Iwi Trust [379.3 and 379.4] and reject supporting further submissions from Department of Conservation [FS/293.22 and FS/293.23].
  - Reject Trustee Turangawaewae Trust Board – G Raumati [984.4] and Jackie Colliar [493.3] and reject supporting further submissions from Waikato-Tainui [FS/108.180], Pareoranga Te Kata [FS/1035.56], Turangawaewae Trust Board – V Kingi [FS/139.105].

## Amendments

70. Amend Chapter 2.10(c) to read, in part:

(c) The Waikato-Tainui Environmental Plan ~~is a and the Maniapoto Iwi Management Plans are~~ redress instruments of Treaty settlements

### Section 32AA evaluation

71. The recommended amendments are explanatory in nature to assist with the understanding of planning in relation to tangata whenua and iwi. Accordingly, no s32AA evaluation has been required to be undertaken.

## 8 Concept Management Plans

Submission Point	Submitter	Summary of Submission
152.3	The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.8 Concept Management Plan, as notified.
300.3	The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.8 Concept Management Plan, as notified.
367.43	Mercer Residents and Ratepayers Committee	Retain Section 2.9 Examples of a Concept Management Plan.
939.7	Waipa District Council	Retain the proposed approach for addressing development on Maori land through the preparation of a Concept Management Plan; AND Provide further information as to how the Concept Management Plans will be implemented as part of a Resource Management Act process.
<i>FSI 108.138</i>	<i>Waikato-Tainui</i>	<i>Support 939.7</i>
286.19	Waikato-Tainui	No specific decision sought but the submission supports the introduction of Concept Management Plans. AND Amend the Proposed District Plan to provide greater clarity as to what information must be provided when developing a Concept Management Plan. AND Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process. AND Provide greater clarity as to the application of the



<b>Submission Point</b>	<b>Submitter</b>	<b>Summary of Submission</b>
		<p>plan if, a Concept Management Plan is not developed.</p> <p>AND</p> <p>Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to marae and/or trusts.</p>
<i>FSI035.25</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.19</i>
286.20	Waikato-Tainui	Amend the Proposed District Plan to ensure consistency of wording in the Rural and Residential Zones in relation to the approval process for a Concept Management Plan.
<i>FSI035.26</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.20</i>
984.20	Trustee Turangawaewae Trust Board – G Raumati	<p>No specific decision sought but the submission supports the introduction of Concept Management Plans</p> <p>AND</p> <p>Amend the Proposed District Plan to provide greater clarity as to what information must be provided when developing a Concept Management Plan.</p> <p>AND</p> <p>Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.</p> <p>AND</p> <p>Provide greater clarity as to the application of the plan if, a Concept Management Plan is not developed.</p> <p>AND</p> <p>Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to marae and/or trusts.</p>
<i>FSI108.185</i>	<i>Waikato-Tainui</i>	<i>Support 984.20</i>
984.21	Trustee Turangawaewae Trust Board – G Raumati	Amend the Proposed District Plan to ensure consistency of wording in the Rural and Residential Zones in relation to the approval process for a Concept Management Plan.
493.29	Jackie Colliar	No specific decision sought, but submission generally supports the introduction of concept plans.
<i>FSI035.82</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.29</i>

<b>Submission Point</b>	<b>Submitter</b>	<b>Summary of Submission</b>
<i>FSI 108.124</i>	<i>Waikato-Tainui</i>	<i>Support 493.29</i>
<i>FSI 139.114</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Generally supported 493.29</i>
493.7	Jackie Colliar	Amend the Proposed District Plan to provide greater clarity as to what information must be provided when developing a Concept Management Plan.
<i>FSI 035.60</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.7</i>
493.8	Jackie Colliar	Amend the Proposed District Plan to provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.
<i>FSI 035.61</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.8</i>
493.9	Jackie Colliar	Amend the Proposed District Plan to provide greater clarity to the application of the Plan if a Concept Management Plan is not developed.
<i>FSI 035.62</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.9</i>
493.11	Jackie Colliar	Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to Marae and/or trusts.
<i>FSI 035.64</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.11</i>
493.12	Jackie Colliar	Amend the Proposed District Plan to provide for the most enabling provisions to facilitate the development of marae and papakainga throughout the district.
<i>FSI 035.65</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.12</i>
697.356	Waikato District Council	Amend 2.8 (b) Concept Management Plan to read as follows; (b) Although the concept plan must be approved by the owners through the Māori Land Court process, it is not set in concrete.
<i>FSI 108.8</i>	<i>Waikato-Tainui</i>	<i>Oppose 697.356</i>
<i>FSI 139.8</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Oppose 697.356</i>
697.359	Waikato District Council	Amend 2.8 Concept Management Plan to replace references to the “concept plan” and “the plan” with the words “Concept Management Plan”
<i>FSI 108.10</i>	<i>Waikato-Tainui</i>	<i>Support 697.359</i>
<i>FSI 139.10</i>	<i>Turangawaewae Trust</i>	<i>Support 697.359</i>

Submission Point	Submitter	Summary of Submission
	<i>Board –V Kingi</i>	

## Analysis

72. The PWDP rules permitting certain activities on Maaori Freehold land (MFL) are dependent on the presentation of a 'concept management plan' that has been endorsed by the Māori Land Court (MLC). The underlying rules of the zone still apply under the consent application (setbacks, roading, utilities etc.). Remembering that the MLC has the jurisdiction to determine the status and the use of Maaori land, the concept management plan is a tool that gives Council a preview of owner aspirations, and enables Council to engage in conversation before application to the court is made by the land owners. The rules required to meet Building Consent assures Council that MLC process has been followed. This is also Council's way of working in collaboration with the MLC and Maaori land owners to meet RMA and Regional Policy Statement obligations.
73. Most of the submitters support the use of Concept Management Plan as a planning tool in the rules for Maaori Freehold and Customary land.
74. The following submitters ask for more information, and further explanation of the process: Waipa District Council [939.7], Waikato-Tainui [286.19 and 286.20], Trustee Turangawaewae Trust Board – G Raumati [984.20 and 984.21], Jackie Colliar [493.29, 493.7, 493.8, 493.9, 493.11, and 493.12]. Twelve further submissions support these: Pareoranga Te Kata [FS1035.25, FS1035.26, FS1035.64, FS1035.65, FS1035.82, FS1035.60, FS1035.61, FS1035.62], Waikato-Tainui [FS1108.185, FS1108.124, FS1108.138] and Turangawaewae Trust Board – V Kingi [FS1139.114].
75. I believe that the text, as presented in the Tangata Whenua Chapter in 2.8 and the examples in 2.9, is sufficient explanation of the use of Concept Management Plans for the purpose of supporting development of Maaori land. Additional explanation and guidance is better provided by the Council through its website and other channels.
76. It is not the purpose of the district plan to include explanations of other legislative organisations or make rules which are covered under other jurisdiction. I recommend that all the submissions and further submissions asking for further explanation be rejected.
77. Submitter Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [152.3 and 300.3] supports Concept Management Plans for Maaori Land Blocks and Trusts. The submitter also asks for a funding pool to be allocated for the Waikato District. I recommend that the submitter's submissions to retain concept management plans be accepted, however development of a funding pool for this purpose is not a district plan matter, therefore this part of the submission is recommended to be rejected. Funding needs to be approached through the Long Term Plan.
78. The submission from Mercer Residents and Ratepayers Committee [367.43] supports retaining concept management plans. I recommend that the submission be accepted.
79. The submission from Waikato District Council [697.356 and 697.359], seeking amendments to text in Chapter 2.8 (a) and (b) for clarity and consistency, should be accepted. The amendments are listed below.
80. It is also noted that four further submissions – Waikato-Tainui [FS1108.8 and FS1108.10] and Turangawaewae Trust Board – V Kingi [FS1139.8 and FS1139.10] were received opposing and supporting the text amendments of the Waikato District Council. I recommend that these further submissions also be rejected and accepted respectively.

## Recommendations

81. For the reasons above, I recommend that the Hearing Panel:

- Accept in part Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [152.3 and 300.3], to retain concept management plans, but not the request for a funding pool.
- Accept Mercer Residents and Ratepayers Committee [367.43] to retain concept management plans.
- Accept in part, to the extent that they support the concept management approach: Waipa District Council [939.7], Waikato-Tainui [286.19 and 286.20], Trustee Turangawaewae Trust Board – G Raumati [984.20 and 984.21], Jackie Colliar [493.29, 493.7, 493.8, 493.9, 493.11, and 493.12]. Twelve further submissions support these: Pareoranga Te Kata [FS1035.25, FS1035.26, FS1035.64, FS1035.65, FS1035.82, FS1035.60, FS1035.61, FS1035.62], Waikato-Tainui [FS1108.185, FS1108.124, FS1108.138] and Turangawaewae Trust Board – V Kingi [FS1139.114].
- Reject further submissions - Pareoranga Te Kata [FS1035.25, FS1035.26, FS1035.64, FS1035.65, FS1035.82, FS1035.60, FS1035.61, FS1035.62], Waikato-Tainui [FS1108.185, FS1108.124, FS1108.138] and Turangawaewae Trust Board – V Kingi [FS1139.114] received in support of submissions.
- Accept Waikato District Council submissions [697.356 and 697.359] for amendment of text in Chapter 2.8 (a) and (b), and reject further submissions opposing – Waikato-Tainui [FS1108.8] and Turangawaewae Trust Board – V Kingi [FS1139.8], while their further submissions [FS1108.10 and FS1139.10 respectively] are accepted

## Amendments

- (a) A Concept Management Plan can be used for all the foreseeable uses for the land over time. By placing papakaainga alongside the future uses on one single map, the project manager and the Land Trust can make decisions about placement of buildings and infrastructure so as not to cut off the possibility of future developments. The [Concept Management](#)<sup>1</sup> Plan is not compulsory, but it is an important process to carry out if the Land Trust wants to maximise the use of the land for future generations. It can take several forms and be at different levels of detail, from a simple colour-coded sketch drawing to a commissioned artist's impression of what the land will look like if fully developed to the Concept Management Plan.
- (b) Although the Concept [Management](#)<sup>2</sup> Plan must be approved by [the owners through](#)<sup>3</sup> the Māori Land Court, it is not set in concrete. It is a land guide. Time and the desires of the people may change for different generations, therefore they may wish to return to the court with a variation to the [Concept Management](#)<sup>4</sup> Plan. This is otherwise known as future-proofing or structure planning.

## Section 32AA evaluation

82. The recommended amendments are explanatory in nature to assist with the understanding of planning in relation to tangata whenua and iwi. Accordingly, no s32AA evaluation has been required to be undertaken.

<sup>1</sup> Waikato District Council [697.359].

<sup>2</sup> Waikato District Council [697.359]

<sup>3</sup> Waikato District Council [697.356]

<sup>4</sup> Waikato District Council [697.359]

## 9 Planning Development of Hopuhopu

Submission Point	Submitter	Summary of Submission
286.1	Waikato-Tainui	<p>Add provisions to the Proposed District Plan to enable land in Te Wherowhero title at Hopuhopu to be planned for, developed and used in accordance with the mandate outlined below (or words to similar effect):</p> <p><u>(b) Other land is held in Te Wherowhero title, created under the Waikato Raupatu Claims Settlement Act 1995. Te Wherowhero title land is held by Custodian Trustees for the benefit of all Waikato. The former Hopuhopu military base, now the site of Waikato- Tainui College for Research and Development and other activities, is in Te Wherowhero title. The district plan addresses this land differently from other Maaori land. Business and Residential zoned areas at Hopuhopu are subject to the plan provisions that apply to those zones. The remainder of Hopuhopu is a specific site in the Rural Zone.</u></p> <p>AND</p> <p>Add a new point to Section 2.6 – Powers to set aside Maaori Land for special purposes, (b), as follows:</p> <p><u>(b) The district plan adopts a different approach to land at Hopuhopu in Te Wherowhero title. Rural Zoned land is identified as a specific site, enabling a range of activities appropriate to the aspirations of the Waikato Raupatu Claims Settlement Act 1995 and the Deed creating the Waikato Raupatu Lands Trust (1995.) Business and Residential zoned areas at Hopuhopu are subject to the plan provisions that apply to those zones.</u></p> <p>AND</p> <p>Add a new point to Section 2.8 – Concept Management Plan, as follows:</p> <p><u>(c) At Hopuhopu, a concept management plan is required for some permitted activities. The concept plan for Hopuhopu is not subject to Māori Land Court approval.</u></p> <p>AND</p> <p>Add a new point to Section 2.13.1 – Policy Tangata Whenuatanga (utilisation by</p>

		<p>landowners), as follows:</p> <p><u>(d) That the Te Wherowhero title at Hopuhopu can be sustainably used and developed.</u></p> <p>AND</p> <p>Add a new policy to Section 5.3 – Rural Character and Amenity after Policy 5.3.17, as follows:</p> <p><u>Policy – Specific Area – Hopuhopu (a) Provide for a range of activities on the land in Te Wherowhero title at Hopuhopu to plan for, develop and use the land in accordance with the mandate of the title, including the Waikato-Tainui College for Research and Development and associated facilities, sports facilities, hauora, marae complexes and associated facilities, and papakainga housing development according to customs and practices.</u></p> <p>AND</p> <p>Add a new section to Chapter 22 – Rural Zone after Section 22.8, as follows:</p> <p><u>22.9 Specific Area – Hopuhopu 22.9.1 Application of Rules</u></p> <p><u>(a) The rules that apply to the Hopuhopu specific area as identified on the planning maps are as follows:</u></p> <p><u>(i) Rule 22.1 Land Use – Activities, and the additional permitted and discretionary activities identified in rules 22.9.2 and 22.9.3;</u></p> <p><u>(ii) Rule 22.2 Land Use – Effects;</u></p> <p><u>(iii) Rule 22.3 Land Use – Building; and</u></p> <p><u>(iv) Rule 22.4 – Subdivision. 22.9.2</u></p> <p><u>Permitted Activities – Hopuhopu</u></p> <p><u>(a) Additional permitted activities at Hopuhopu:</u></p> <p><u>P1: Education facilities – A concept management plan is provided.</u></p> <p><u>P2: Marae complex – A concept management plan is provided.</u></p> <p><u>P3: Papakainga Housing Development and Papakainga building – A concept management plan is provided.</u></p> <p><u>P4: Place of assembly – A concept management plan is provided.</u></p> <p><u>P5: Hauora – A concept management plan is provided.</u></p>
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		<p><u>P6: Recreational facility – A concept management plan is provided.</u></p> <p><u>P7: Cultural events – Nil.</u></p> <p><u>P8: Sports – Nil.</u></p> <p><u>P9: Informal recreation – Nil.</u></p> <p><u>P10: Water bulk storage infrastructure and associated easements – Nil.</u></p> <p><u>22.9.3 Discretionary Activities – Hopuhopu (a)</u>  <u>The activities listed below are discretionary activities.</u></p> <p><u>DI – Any permitted activity that does not comply with an activity specific condition in Rule 22.9.2.</u></p> <p>AND</p> <p>Amend the planning maps by Hopuhopu Specific Area.</p> <p>AND</p> <p>Amend Chapter 13 – Definitions, by adding a definition for the “Hopuhopu Specific Area” as follows:</p> <p><u>Hopuhopu Specific Area means the area shown on the planning maps.</u></p>
<i>FS1035.7</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.1</i>
<i>FS1277.130</i>	<i>Waikato Regional Council</i>	<i>Oppose in part 286.1</i>
<i>FS1348.5</i>	<i>Perry International Trading Group Limited</i>	<i>Support</i>

### Analysis

83. Hopuhopu is situated near the Waikato River between Ngaruawahia and Taupiri. The Crown transferred the site to Waikato-Tainui in the 1990s as part of a Treaty settlement. Much of the development on the site reflects its former use as an army base, including houses, industrial-warehouse buildings, and sports fields. After the settlement, Waikato-Tainui developed the endowed college on the site.
84. In the Operative Waikato District Plan, Hopuhopu is in four zones. The largest area, comprising the sports fields and other open space, is zoned Rural. The endowed college and its grounds are in the Pa Zone. Living and Business Zones cover the existing housing and industrial areas.
85. The Proposed Waikato District Plan does not include a Pa Zone, and the endowed college has been placed in the Rural Zone, along with all the open space. Housing and industrial areas remain in the Residential and Business Zones respectively.
86. The change of zoning from Pa to Rural reduces the range of permitted activities at the endowed college. The operative Pa Zone permits a wide range of activities, including cultural, residential, and educational activities. These are not provided for in the Rural Zone.

87. Except for Hopuhopu, all the land in the operative Pa Zone is in Maaori freehold title. Chapter 2 contains an explanation of Maaori freehold title. Hopuhopu has a special “Te Wherowhero” title created by the settlement legislation. The nature of the title is important, because the Proposed Plan proposes that land in Maaori freehold title will enjoy a new planning approach. Policy 2.13.1 provides:

**2.13.1 Policy Tangata Whenuatanga (utilisation by landowners)**

- (a) *Tangata Whenua are enabled to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.*
- (b) *Tangata whenua are enabled to sustainably use and develop ancestral land, including: marae complexes and associated facilities, and papakainga housing development according to customs and practices.*
- (c) *Economic development supports the occupation, development and use of Maaori land.*
88. The policy is implemented in the PWDP by rules in most zones that provide specially for the development of land in Maori freehold title. This approach makes the Pa Zone redundant and thus it does not feature in the PWDP. Apart from Hopuhopu, all land that is currently Pa Zone is in Maaori freehold title and will therefore have the benefit of the proposed rules, irrespective of zoning.
89. The submission from Waikato-Tainui [286.1] seeks changes to the PWDP to make up for the loss of Pa zoning. It asks for the Rural Zone land at Hopuhopu (which includes the endowed college) to be classified as a specific site, with an extended range of permitted activities.
90. The provisions requested are reflective of the aspirations of Waikato -Tainui and how they wish to utilise the land at Hopuhopu. This includes amendments which provide for the activities proposed to be provided under Maaori Freehold Land (as referred to above), that are not provided for as permitted activities at Hopuhopu due to the status of the title. It also includes additional provisions, some of which reflect activities that currently occur on the site as well as those that they wish to establish.
91. The submitter envisages that a joint partnership approach be taken with Council in developing a way forward which would:
- Provide for the area at Hopuhopu to be given special recognition in Chapter 2: Tangata Whenua, which explains the unique status of the area,
  - Adopt a policy framework that implements this approach,
  - Develop rules specific to the area that reflect the vision of the submitter which are acceptable to Council,
  - Make any amendments to maps as appropriate.
92. This approach is acceptable to Council as a way to reinstate the ability for the submitter to utilise their land as under the Operative District Plan, and to achieve a mutually-agreed outcome in regard to the provisions requested, as contained in the submission.
93. To achieve this outcome and consider the details of the provisions, Council respectfully requests that the Hearings Panel issue directions for joint conferencing to be undertaken between parties, with a view of providing to the panel jointly-agreed approach including drafted provisions, by 28th February 2020. It is recommended that the following further submitters be invited also:

- |   |            |   |         |
|---|------------|---|---------|
| • | FSI035.7   | Pareoranga Te Kata                        | Support |
| • | FSI277.130 | Waikato Regional Council                  | Oppose  |
| • | FSI348.5   | Perry International Trading Group Limited | Support |



## Recommendation

94. For the reasons given above, I recommend:

- Accept in part Waikato Tainui [286.1].

## Amendments

95. There are no amendments at this stage, although I will bring a joint conferencing statement back to the panel arising from a conferencing process.

## 10 Objectives and Policies - general

Submission Point	Submitter	Summary of Submission
651.6	GE Free New Zealand	Retain the policies and objectives in Chapter 2 Tangata Whenua and their support of Te Ao Maori.
579.88	Lakeside Developments 2017 Limited	No specific decision sought, but submission generally supports the objective and policies relating to Tangata Whenua (Chapter 2 Tangata Whenua).
984.2	Trustee Turangawaewae Trust Board – G Raumati	Amend the Proposed District Plan to ensure that the Objectives, Policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.
<i>FS1108.178</i>	<i>Waikato-Tainui</i>	<i>Support 984.2</i>
<i>FS1323.171</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 984.2</i>
940.1	Turangawaewae Board of Trustees – D Ngataki	No specific decision sought, but submitter has provided a cultural value based position on the Proposed Waikato District Plan. The cultural value based principles are included in their submission and include: Tangata Whenua values Wai – MauriWhenua – Mauri. Full details on each of these values can be found in the submission.
<i>FS 1035.3</i>	<i>Paeroranga Te Kata</i>	<i>Support 940.1</i>
286.10	Waikato-Tainui	Amend the Proposed District Plan to ensure that the Objectives, Policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.
<i>FS 1035.16</i>	<i>Paeroranga Te Kata</i>	<i>Support 286.10</i>
<i>FS1323.172</i>	<i>Heritage New Zealand Pouhere taonga</i>	<i>Support 286.10</i>

493.1	Jackie Colliar	Amend the Proposed District Plan to ensure that the objectives, policies, principles and intent of the Tangata Whenua Chapter are provided for across the Plan and how they are implemented.
<i>FSI108.117</i>	<i>Waikato-Tainui</i>	<i>Not Stated 493.1 but asks to amend to include IMP.</i>
<i>FSI035.54</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.1</i>
<i>FSI323.168</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 493.1</i>
<i>FSI388.486</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 493.1</i>

## Analysis

96. GE Free New Zealand [651.6] and Lakeside Development 2017 Ltd [578.88] support retaining the Objectives and Policies in Tangata Whenua Chapter 2 and Te Ao Maaori. I recommend that their submissions be accepted.
97. Waikato-Tainui [286.10], Jackie Colliar [493.1] and Trustee Turangawaewae Trust Board – G Raumati [984.2] have asked to amend the Proposed District Plan to ensure that the objectives, policies, principles and intent, of the Tangata Whenua chapter are provided for across the plan, as well as how they are implemented. No specific amendments were put forward by the submitters, and it is unclear what changes they are seeking. If further clarification is made through evidence at the hearing, I can comment further. In the absence of further information, I recommend that these submissions be rejected.
98. Further submissions on these submissions were received from Pareoranga Te Kata [FSI035.16] and Heritage New Zealand Pouhere Taonga [FSI323.172] to support Waikato-Tainui [286.10].
99. Pareoranga Te Kata [FSI035.54], Heritage New Zealand Pouhere Taonga [FSI323.168] and Waikato-Tainui [FSI108.117] support Jackie Colliar [493.1].
100. Waikato-Tainui [FSI108.178] and Heritage New Zealand Pouhere Taonga [FSI323.171] support Trustee Turangawaewae Trust Board [984.2]. Mercury NZ Limited [FSI388.486] opposes the submission by Jackie Colliar [493.1]. I recommend that these further submissions be rejected for the reasons above.
101. Turangawaewae Trust Board – D Ngataki [940.1] submitted about cultural values. While I acknowledge the cultural values presented in the submission, I have declined to recommend their inclusion in the Tangata Whenua chapter. Maaori values are not limited by the policy. Iwi evaluations can be presented in Iwi Management Plans, consultation documents and Memorandums of Understanding when considering Maaori environmental issues. I recommend that this part of the submission be rejected, on the basis that the policy is sufficient for its purpose in the chapter. I therefore recommend that the submission be rejected.
102. A further submission Pareoranga Te Kata [FSI035.3] supported the submission from Turangawaewae Trust Board [940.1]. I recommend that [FSI035.3] also be rejected, for the above reason.

## Recommendation

103. I recommend for the reasons above, that the Hearings Panel:
- Accept GE Free New Zealand [651.6] and Lakeside Development 2017 Ltd [578.88]

- Reject Waikato-Tainui [286.10], and reject supporting further submissions: Pareoranga Te Kata [FS/035.16] and Heritage New Zealand Pouhere Taonga [FS/323.172].
- Reject Jackie Colliar [493.1] and reject supporting further submissions: Pareoranga Te Kata [FS/035.54] and Heritage New Zealand Pouhere Taonga [FS/323.168], and accept opposing submission Mercury NZ Limited [FS/388.486].
- Reject Trustee Turangawaewae Trust Board – G Raumati [984.2], and reject supporting further submissions: Waikato-Tainui [FS/108.178] and Heritage New Zealand Pouhere Taonga [FS/323.171].
- Reject Turangawaewae Trust Board – D Ngataki [940.1] and reject supporting further submission Pareoranga Te Kata [FS/035.3].

### Amendments

104. There are no amendments in this section.

## 11 Strategic Objective 2.11 – Tautoko te Whakatupuranga

Submission Point	Submitter	Summary of Submission
435.2	Jade Hyslop	Retain Strategic Objective 2.11 Tautoko te Whakatupuranga.
559.7	Heritage New Zealand Lower Northern Office	Retain Strategic Objective 2.11 Tautoko te Whakatupuranga.
923.24	Waikato District Health Board	Retain Strategic Objective 2.11- Tautoko Te Whakatupuranga Tautoko Te Whakatupuranga as notified.

### Analysis

105. Jade Hyslop [435.2], Heritage New Zealand Lower Northern Office [559.7] and Waikato District Health Board [923.24] ask for Policy 2.11 to be retained. There are no opposing submissions. I recommend that these submissions be accepted.

### Recommendation

106. I recommend, for the reasons given above, that the Hearings Panel:

- Accept Jade Hyslop [435.2], Heritage New Zealand Lower Northern Office [559.7] and Waikato District Health Board [923.24].

### Amendments

107. There are no amendments recommended to Objective 2.11 Tautoko te Whakatupuranga.

## 12 Objective 2.12 – Whakapapa (connection to nature)

Submission Point	Submitter	Summary of Submission
435.3	Jade Hyslop	Retain Objective 2.12 Whakapapa (connection to nature).
559.8	Heritage New Zealand Lower Northern Office	Retain Strategic Objective 2.12 Whakapapa (connection to nature).
680.23	Federated Farmers of New Zealand	Amend Objective 2.12 (a) Whakapapa (connection to nature) as follows: Relationships with ancestral lands, water, sites, waahi tapu and other taonga are protected <u>from inappropriate subdivision, use and development</u> , and enhanced <u>where appropriate</u> .  AND Any consequential changes needed to give effect to this relief.
<i>FS1387.160</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 680.23</i>
<i>FS1108.45</i>	<i>Waikato-Tainui</i>	<i>Oppose 680.23</i>
<i>FS1139.36</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Oppose 680.23</i>
<i>FS1323.7</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose 680.23</i>

## Analysis

108. Submitters Jade Hyslop [435.3] and Heritage New Zealand Lower Northern Office [559.8] ask for Objective 2.12 to be retained. I recommend that their submissions of support for Objective 2.12 Whakapapa be accepted.
109. Submission Federated Farmers [680.23] seeks an amendment to Objective 2.12 Whakapapa. The main point is to introduce the words “inappropriate subdivision, use and development.”
110. Further submitters Waikato-Tainui [FS1108.45], Turangawaewae Trust Board – V Kingi [FS1139.36] and Heritage NZ Pouhere Taonga [FS1323.7], oppose the amendment by Federated Farmers [680.23].
111. I recommend that Federated Farmers submission be rejected, on the basis that the objective is sufficient for its purpose in the chapter. The purpose of an objective is to establish the outcomes for a particular issue. Issues of values will be derived by consultation with Iwi or Manawhenua of the area that they concern. In practice, a reference to ‘inappropriate subdivision, use and development’ will not provide any more certainty than the current words of the objective to protect “relationships with ancestral lands” etc. I recommend that the further submissions be accepted.
112. I believe that the further submission from Mercury NZ Limited [FS1387.160] is irrelevant to this objective and policy. Their objection relates to not having the natural hazard flood provisions and flood maps available. The objective of whakapapa to Maori is very important in the evaluation of matters referred to in RMA 6(e) and should be a value to be derived by consultation, if required. The value is not dependant on the presence of hazard provisions or flood maps. I therefore recommend that Mercury’s further submission be rejected.

## Recommendation

113. I recommend, for the reasons given above, that the Hearings Panel:

- Accept Jade Hyslop [435.3] and Heritage New Zealand Lower Northern Office [559.8].
- Reject Federated Farmers [680.23], and accept further submissions opposing: Waikato-Tainui [FSI 108.45], Turangawaewae Trust Board – V Kingi [FSI 139.36] and Heritage NZ Pouhere Taonga [FSI 323.7].
- Accept Mercury NZ Limited [FSI 387.160] in so far as it opposes the submission point.

## Amendments

114. There are no amendments recommended to Objective 2.12 – Whakapapa (connection to nature).

## 13 Policy 2.12.1 – Whanaungatanga (relationship to nature)

Submission Point	Submitter	Summary of Submission
559.9	Heritage New Zealand Lower Northern Office	Retain Policy 2.12.1(a) Whanaungatanga (relationship to nature).
680.24	Federated Farmers of New Zealand	Amend Policy 2.12.1 (a) Whanaungatanga (relationship to nature) as follows: (a) Recognise the relationship of Tangata Whenua with areas of significance, including waahi tapu, urupaa, maunga and other landforms, mahinga kai, and indigenous flora <u>and consider these matters through provisions which trigger requirement for resource consent or Notice of Requirement for Designation, which</u> may include: ...  AND  Any consequential changes needed to give effect to this relief.
<i>FSI 108.46</i>	<i>Waikato-Tainui</i>	<i>Oppose 680.24</i>
<i>FSI 139.37</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Oppose 680.24</i>
<i>FSI 323.8</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose 680.24</i>
695.9	Sharp Planning Solutions Ltd	Amend Section 2.12.1(a)(vii) Whanaungatanga (relationship to nature) so that "other land" is objectively defined and care is exercised as to which land this policy applies to, without limiting the natural and legal right of Māori to express and recognise their relationship with the land.

FS1323.9	Heritage New Zealand Pouhere Taonga	Oppose 695.9.
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### Analysis

115. Heritage New Zealand Lower Northern Office [559.9] supports Policy 2.12.1 Whanaungatanga as notified. I recommend that the submission be accepted.
116. Federated Farmers [680.24] and Sharp Planning Solutions Ltd [695.9] both seek amendments to the policy. I recommend that their submissions be rejected, on the basis that the policy is sufficient for its purpose in the chapter. Issues of values will need to be derived by consultation with Iwi or Manawhenua of the area that they concern. This may include the provisions listed in the policy.
117. In regard to Federated Farmers [680.24] submission above, Waikato-Tainui [FS1108.46], Turangawaewae Trust Board – V Kingi [FS1139.37] and Heritage NZ Pouhere Taonga [FS1323.8] oppose the amendment.
118. I also recommend that the submission from Sharp Planning Solutions Ltd [695.9] be rejected. The submitter asks for identification of the land it applies to. The opening words of policy 2.12.1 refer to the relationship of Tangata Whenua with areas of significance, and it is not possible in a policy to go further. Precise identification can only be done through evidence case by case. Heritage NZ Pouhere Taonga [FS1323.9] opposes this further submission.

### Recommendations

119. I recommend, for the reasons given above, that the Hearings Panel:
- Reject Federated Farmers [680.24], and accept further submissions opposing: Waikato-Tainui [FS1108.46], Turangawaewae Trust Board – V Kingi [FS1139.38] and Heritage NZ Pouhere Taonga [FS1323.8].
  - Reject Sharp Planning Solutions Ltd [695.9], and accept Heritage NZ Pouhere Taonga [FS1323.9] which opposes.
  - Accept Heritage NZ Pouhere Taonga Lower Northern Office [559.9].
  - Reject Sharp Planning Solutions Ltd [696.9] and accept Heritage New Zealand [FS1323.9].

### Recommended Amendments

118. There are no amendments recommended to Policy 2.12.1 Whanaungatanga.

## 14 Objective 2.13.1 -Whenuatanga (land management) and Policy 2.13.1

Submission Point	Submitter	Summary of Submission
559.10	Heritage New Zealand Lower Northern Office	Retain Objective 2.13 Whenuatanga (land management).
559.11	Heritage New Zealand	Retain Policy 2.13.1(a), (b) and (c) Tangata

	Lower Northern Office	Whenuatanga (utilisation by landowners).
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### Analysis

119. Submitter Heritage New Zealand Lower Northern Office [559.10 and 559.11] submits to retain Objective 2.13 Whenuatanga and Policy 2.13.1 Tangata Whenuatanga. No further submissions were received, therefore I recommend that these submissions be accepted.

### Recommendation

120. I recommend, for the reasons given above, that the submission points from Heritage New Zealand Lower Northern Office [559.10 and 559.11] are accepted.

### Amendments

121. There are no amendments to Objective 2.13 Whenuatanga and Policy 2.13.1 Tangata Whenuatanga recommended.

## 15 Objective 2.14 –Kaitiaki (stewardship/guardianship)

Submission Point	Submitter	Summary of Submission
152.6	Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Retain Section 2.14 Objective - Kaitiaki (steward/guardian) as notified. The submitter support the objective and the comment made about tangata whenua status is noted.
559.13	Heritage New Zealand Lower Northern Office	Retain Policy 2.14.1 Kaitiakitanga (stewardship/guardianship).
328.2	Paula Dudley	Retain Objective 2.14 Kaitiaki (steward/guardian).
559.12.	Heritage New Zealand Lower Northern Office	Retain Objective 2.14 Kaitiaki (steward/guardian).
942.5	Tainui o Tainui	No specific decision is sought for Section 2.2 Background, but the submitter seeks recognition of whanau and hapu who have the ultimate responsibility for ensuring the mauri and taonga inherited from tupuna are not negatively affected through resource consents and activities.
<i>FSI 108.139</i>	<i>Waikato-Tainui</i>	<i>Support 942.5</i>
<i>FSI 139.124</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Support 942.5</i>
680.25	Federated Farmers of New Zealand	Amend Policy 2.14.1 (a) (i) Kaitiakitanga (stewardship/guardianship) as follows: (i) Establishing who should be consulted, <u>in what</u>

		<p><u>circumstances within a resource consent application process or in a resource consent implementation process, and the consultation fees;</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>
FSI 108.47	Waikato-Tainui	Oppose 680.25
FSI 139.38	Turangawaewae Trust Board – V Kingi	Oppose 680.25
FSI 323.10	Heritage New Zealand Pouhere Taonga	Oppose 680.25

### Analysis

122. Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [152.6], Heritage New Zealand Lower Northern Office [559.13 and 559.12], Paula Dudley [328.2] and Tainui o Tainui [942.5] support Objective 2.14 Kaitiaki and Policy 1.14.1 Kaitiakitanga. I recommend that these submissions be accepted.
123. Two separate additional issues are sought in the above submissions. Te Whaanga Trust raises the issue, and reiterates the importance of, understanding (or knowing) who Tangata Whenua are and who holds Manawhenua in Whaingaroa and expects Council to consult with them. No specific decision is expected here, but I acknowledge the issue and mention that the topic of Tangata Whenua identification is addressed earlier in this report.
124. Tainui o Tainui [942.5] also seek recognition of whanau/hapuu who have responsibility for ensuring that the mauri and taonga are not negatively affected by resource consent and activities. Kaitiakitanga will differ from hapuu to hapuu, therefore I recommend that an amendment be added to Kaitiakitanga 2.14.1(a):
- (vi) Kaitiaki responsibility to ensure that the mauri and the taonga inherited from tupuna are not negatively affected through resource consent and activities.
125. This places the responsibility on Kaitiaki through consultation or Iwi Management Plans. In my opinion, this is also a topic that is not a 'one size fits all'. I note that Waikato-Tainui [FSI 108.139] and Turangawaewae Trust Board – V Kingi [FSI 139.124] made further submissions in support of Tainui o Tainui.
126. Federated Farmers [680.25] has asked for an amendment to Policy 2.14.1(a) Kaitiakitanga, regarding who to consult with for guidance on process around resource consent and consultation fees. I consider that the policy is sufficient for its purpose in the chapter and that these other matters are not advisable content for the district plan, as details regularly change. However, it is Council's responsibility to maintain records for consultation purposes, but the consultation processes should be the responsibility of the consultant/kaitiaki on how they will engage and charge for services. I therefore recommend that this submission be rejected.
127. Waikato-Tainui [FSI 108.47], Turangawaewae Trust Board – V Kingi [FSI 139.38] and Heritage NZ Pouhere Taonga [FSI 323.10] all oppose Federated Farmers [680.25] submission. I therefore recommend that these further submissions be accepted.

### Recommendation

128. I recommend, for the reasons given above, that the Hearings Panel:



- Accept Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [152.6], Heritage New Zealand Lower Northern Office [559.13 and 559.12], Paula Dudley [328.2] and Tainui o Tainui [942.5], subject to amendment in response to Tainui o Tainui.
- Accept further submissions in support of Tainui o Tainui: Waikato-Tainui [FS1108.139] and Turangawaewae Trust Board - V Kingi [FS1139.124].
- Reject Federated Farmers [680.25] and accept further submissions opposing: Waikato-Tainui [FS1108.47], Turangawaewae Trust Board – V Kingi [FS1139.38] and Heritage NZ Pouhere Taonga [FS1323.10].

### Amendments

129. I recommend that a new clause (vi) be added to Kaitiakitanga 2.14.1(a):

(vi) Kaitiaki responsibility to ensure the mauri and the taonga inherited from tupuna are not negatively affected through resource consent and activities.

### S32AA Evaluation

130. With this addition, Policy 2.14.1 is strengthened as the most appropriate way to achieve Objective 2.14. In practice, the additional words will strengthen the standing of kaitiaki to be consulted with and submit on activities in the vicinity of their taonga.

## 16 Objective 2.15 - Waikatotanga (way of life)

Submission Point	Submitter	Summary of Submission
559.14	Heritage New Zealand Lower Northern Office	Retain Objective 2.15 Waikatotanga (way of life).
942.9	Tainui o Tainui	Amend Objective 2.15 Waikatotanga (way of life) to clarify.

### Analysis

131. Heritage New Zealand Lower Northern office [559.14] asks to retain Objective 2.15 Waikatotanga. I recommend that this be accepted.
132. Tainui o Tainui [942.9] asks to amend Objective 2.15 Waikatotanga, because there are hapuu and iwi who do not identify or practice Waikatotanga within the district. I recognise how the heading may be perceived, but the idea of Waikatotanga (Way of life) or (Waikato Way), is often used in terms of our district. In objective 2.15, the term “Waikatotanga” is used only in the heading, and not in the wording of the objective itself, so will have little influence on outcomes. The term is acknowledging that the cultural practices and beliefs of Tangata Whenua in the whole Waikato district are respected. For this reason, I recommend that the submission be rejected.

### Recommendation

133. I recommend, for the reasons given above, that the Hearings Panel:

- Accept in part Heritage New Zealand Lower Northern office [559.14].
- Reject Tainui o Tainui [942.9].

## Amendments

134. There are no amendments recommended to Objective 2.15 - Waikatotanga (way of life).

## 17 Policy 2.15.1 - Ngaa taonga tuku iho (Maaori Sites and Areas of Significance)

Submission Point	Submitter	Summary of Submission
942.87	Tainui o Tainui	Retain Policy 2.15.1 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance).
388.7	Tangata Whenua Working Group	No specific decision sought, but the submission outlined the responsibility to protect waahi tapu/waahi tupuna and other taonga, and avoiding inappropriate activities that have adverse effects on Paptuaanuku.
<i>FS1108.109</i>	<i>Waikato-Tainui</i>	<i>Support 388.7</i>
559.15	Heritage New Zealand Lower Northern Office	Retain Policy 2.15.1 Ngaa taonga tuku iho (Maaori sites and areas of significance), except for the amendments sought below.  AND Amend Policy 2.15.1 Ngaa taonga tuku iho (Maaori sites and areas of significance) as follows: Maaori sites and areas of significance <u>and waahi tapu</u>  .... (b) Area and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of development or activities on those sites, <u>including inappropriate modification.</u>  (c) <u>Avoid the destruction of areas and sites of significance to Maaori, including Waahi Tapu Sites and Waahi Tapu Areas.</u>
<i>FS 1108.115</i>	<i>Waikato-Tainui</i>	<i>Support in principle 559.15</i>
<i>FS1139.103</i>	<i>Turangawaewae Trust Board</i>	<i>Support in principle 559.15</i>
680.26	Federated Farmers of New Zealand	Amend Policy 2.15.1 Ngaa taonga tuku iho (Maaori Sites and Areas of Significance) as follows:  (a) Ensure <u>new</u> subdivision, use and development does not compromise...

		(b) Areas and sites of significance to Maaori including waahi tapu sites and waahi tapu areas are protected from adverse effects of <u>inappropriate land use change development or activities on those sites.</u>  AND Any consequential changes needed to give effect to this relief.
FSI 108.48	Waikato-Tainui	Oppose 680.26
FSI 139.39	Turangawaewae Trust Board	Oppose 680.26
FSI 323.11	Heritage New Zealand Pouhere Taonga	Oppose 680.26

### Analysis

135. Tainui o Tainui [942.87] ask to retain Policy 2.15.1 Ngaa taonga tuku iho. I recommend that they be accepted. Tangata Whenua Working Group [388.7] also appears to be generally supportive of the policy, while discussing it in wider terms. Further submission Waikato-Tainui [FS 1108.109] supports the Tangata Whenua Working Group. I recommend that these be accepted in part, to the extent that they support the policy.
136. Heritage New Zealand Lower Northern office [559.15] seeks to amend Policy 2.15.1. I recommend that the amendments to the policy be rejected, on the basis that the policy is sufficient for its purpose in the chapter, and provides the mechanism to protect sites of significance under the RMA. Maaori sites and areas of significance are identified on the district planning maps as an alert, and the Proposed District Plan has used an earthworks activity rule, whereby Council's discretion is restricted to the following matters: location of activity in relation to the site, and effects on heritage and cultural values.
137. Waikato-Tainui [FS 1108.115] and Turangawaewae Trust Board – V Kingi [FS 139.103] both support in principle Heritage New Zealand [559.15], and I recommend that these be rejected.
138. Federated Farmers [680.26] also ask that Policy 2.15.1 be amended, for similar reasons to Heritage New Zealand Lower Northern Office [559.15]. I provide the same reason as for submission [559.15] above. Therefore, I also recommend that this submission be rejected.
139. Waikato-Tainui [FS 1108.48], Turangawaewae Trust Board – V Kingi [FS 139.39] and Heritage NZ Pouhere Taonga [FS 323.11] further submissions oppose Federated Farmers [680.26] amendments.

### Recommendation

140. I recommend, for the reasons given above, that the Hearings Panel:
- Accept Tainui o Tainui [942.87]
  - Accept in part Tangata Whenua Working Group [388.7] and further submission Waikato-Tainui [FS 1108.109], to the extent that they support Policy 2.15.1.
  - Reject Heritage New Zealand Lower Northern Office [559.15], and further submissions Waikato-Tainui [FS 1108.115] and Turangawaewae Trust Board – V Kingi [FS 139.103].
  - Reject Federated Farmers [680.26] and accept opposing further submissions: Waikato-Tainui [FS 1108.48], Turangawaewae Trust Board - V Kingi [FS 139.39] and Heritage NZ Pouhere Taonga [FS 323.11].

## Amendments

141. There are no amendments recommended to Policy 2.15.1 Ngaa taonga tuku iho.

## 18 Objective 2.16 -Tikanga aa-iwi o te takiwaa o Waikato and Policies 2.16.1 and 2.16.2

Submission Point	Submitter	Summary of Submission
559.16	Heritage New Zealand Lower Northern Office	Retain Objective 2.16 Tikanga aa-iwi o te takiwaa o Waikato.
553.11	Malibu Hamilton	Retain Policy 2.16.1 Whaanga Coast Specific Area.
559.17	Heritage New Zealand Lower Northern Office	Retain Policy 2.16.1 Whaanga Coast Specific Area.
780.41	Whaingaroa Environmental Defence Incorporation	Retain Policy 2.16.1 Whaanga Coast Specific Area as notified.
802.4	Vera van der Voorden	Retain the Maaori provisions in Policy 2.16.1 Whaanga Coast Specific Area.
825.41	John Lawson	Retain Policy 2.16.1 Whaanga Coast Specific Area
942.10	Tainui o Tainui	Retain Policy 2.16.1 Whaanga Coast Special Area.
831.8	Raglan Naturally	Retain Policy 2.16.1 Whaanga Coast Specific Area.
780.42	Whaingaroa Environmental Defence Incorporation	Retain Policy 2.16.2 Aahuatanga Motuhake (special features) as notified.
802.5	Vera van der Voorden	Retain the Maaori provisions in Policy 2.16.2 Aahuatanga Motuhake (special features).
825.42	John Lawson	Retain Policy 2.16.2 Aahuatanga Motuhake (special features)
942.11	Tainui o Tainui	Retain Policy 2.16.2 Aahuatanga Motuhake (special features).
831.74	Raglan Naturally	Retain Policy 2.16.2 Aahuatanga Motuhake (special features).
553.12	Malibu Hamilton	Retain Policy 2.16.2 Aahuatanga Motuhake (special features).

559.18	Heritage New Zealand Lower Northern Office	Retain Policy 2.16.2 Aahuatanga Motuhake (special features).
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### Analysis

142. Heritage New Zealand Lower Northern Office [559.16] seeks to retain Objective 2.16 Tikanga aa-iwi o te takiwaa o Waikato. I recommend that this submission be accepted.
143. Malibu Hamilton [553.11], Heritage New Zealand Lower Northern Office [559.17], Whaingaroa Environmental Defence Incorporation [780.41], Vera van der Voorden [802.4], John Lawson [825.41], Tainui o Tainui [942.10] and Raglan Naturally [831.8], seek to retain Policy 2.16.1 Whaanga Coast Specific Area as notified. I recommend that these submissions be accepted. No opposing submissions were received.
144. Whaingaroa Environmental Defence Incorporation [780.42], Vera van der Voorden [802.5], John Lawson [825.42], Tainui o Tainui [942.11], Raglan Naturally [831.74], Malibu Hamilton [553.12] and Heritage New Zealand Lower Northern Office [559.18], support retaining Policy 2.16.2 Aahuatanga Motuhake as notified. I recommend that these submissions be accepted. No opposing submissions were received.

### Recommendation

145. I recommend, for the reasons given above, that the Hearings Panel:
- Accept Heritage New Zealand Lower Northern Office [559.16].
  - Accept Malibu Hamilton [553.11], Heritage New Zealand Lower Northern Office [559.17], Whaingaroa Environmental Defence Incorporation [780.41], Vera van der Voorden [802.4], John Lawson [825.41], Tainui o Tainui [942.10] and Raglan Naturally [831.8].
  - Accept Whaingaroa Environmental Defence Incorporation [780.42], Vera van der Voorden [802.5], John Lawson [825.42], Tainui o Tainui [942.11], Raglan Naturally [831.74], Malibu Hamilton [553.12] and Heritage New Zealand Lower Northern Office [559.18].

### Amendments

146. There are no amendments recommended to Objective 2.16 Tikanga aa-iwi o te takiwaa, Policy 2.16.1 Whaanga Coast Specific Area or Policy 2.16.2 Aahuatanga Motuhake (special features).

## 19 Maaori Land Rules– General

Submission Point	Submitter	Summary of Submission
188.3	Sheryl Tukiri	Retain the rules for permitted activities on Maaori Freehold land.
<i>FS1386.187</i>	<i>Mercury NZ Limited</i>	<i>Oppose 188.3</i>
929.2	Chantelle White	Retain Rules as notified in the proposed plan to support Maaori land development.
<i>FS1387.1556</i>	<i>Mercury New Zealand</i>	<i>Oppose 929.2</i>

	<i>Limited</i>	
188.2	Sheryl Tukiri	Retain the provisions for Maaori Freehold Land as opposed to Paa Zone.
567.31	Ngaati Tamaoho Trust	No specific decision sought, but submission supports the Papakainga Section.

### Analysis

147. These submissions refer generally to the rules across the PWDP zones chapters that apply to Maaori freehold land. Later sections of this report address submissions on individual rules.
148. Sheryl Tukiri [188.3 and 188.2] and Chantelle White [929.2] support retaining the rules for permitted activities on Maaori Freehold land as notified. Although no specific decision was sought, the submission from Ngaati Tamaoho [567.31] specifically supports the papakaainga provisions. I recommend that their submissions be accepted in part, subject to amendments I have recommended in response to other submissions.
149. Further submissions Mercury New Zealand Limited [FS/387.1556] and [FS/386.187] oppose submitter Chantelle White [929.2] regarding the rules supporting Maaori land development, on the basis that natural hazard flood provisions and flood maps were not available at the time of lodging further submissions. While I acknowledge that this information is important to land development, I do not consider it reasonable to oppose this process at this point. Maaori land owners will be required to meet the constraints that their lands present, given that much of the land is rural. In addition, the Stage 2 natural hazards will take the form of an overlay over the Stage 1 zoning and may apply additional policy and rule framework. I recommend that this further submission be rejected.

### Recommendation

150. I recommend, for the reasons given above, that the Hearings Panel:
- Accept in part Sheryl Tukiri [188.3 and 188.2], Chantelle White [929.2] and Ngaati Tamaoho [567.31], subject to amendments under other submissions.
  - Reject Mercury New Zealand Limited [FS/387.1556], opposing [929.2].

### Amendments

151. There are no amendments recommended arising from consideration of the above submission points.

## 20 Maaori Land Rules – Residential Zone Chapter 16

Submission Point	Submitter	Summary of Submission
559.35	Heritage New Zealand Lower Northern Office	Retain Rule 16.1.2 P2 – A Marae complex or Papakaainga Housing development on Maaori Freehold land or on Maaori Customary Land.
<i>FS/388.798</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 559.35</i>
829.6	Whenua Holdings Waikato Limited	Retain Rule 16.1.2 P2 A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land, as

		notified; AND Amend the Proposed District Plan to make any consequential amendments to address the matters raised in the submission.
<i>FS1387.1337</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 829.6</i>
553.38	Malibu Hamilton	Retain Rule 16.1.2 P2, P4, and P6 Permitted Activities.
697.88	Waikato District Council	Submitter seeks to delete rule 16.1.2 Permitted Activities P2 Activity Specific Condition (a) A Mare Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land specific.
<i>FS1387.432</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 697.88</i>
697.89	Waikato District Council	Submitter seeks to amend Rule 16.1.2 P2 as follows:  (b)(i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court  AND  (c)(i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court.
<i>FS1108.1</i>	<i>Waikato-Tainui</i>	<i>Support 697.89</i>
<i>FS1139.1</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Support 697.89</i>
<i>FS1387.433</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 697.89</i>

## Analysis

152. Rule 16.1.2, P2 permits a marae complex or papakainga housing development on Maaori Freehold land or on Maaori Customary Land.
153. Heritage New Zealand Lower Northern Office [559.35], Whenua Holdings Waikato Limited [829.6] seek to retain rule 16.1.2, P2. and Malibu Hamilton [553.38] seeks to retain rule 16.1.2, P2, P4 and P6. I recommend that the submissions be accepted in part, subject to amendments under other submissions.
154. Mercury New Zealand Limited [*FS1388.798* and *FS1387.1337*] opposes [559.35 and 829.6] submissions for the same reason as their previous further submission. For the reasons given above, I recommend that this further submission be rejected.
155. Waikato District Council [698.88] seeks an amendment to Rule 16.1.2 P2(a), which refers to the total building coverage not exceeding 50 percent. It was not Council's intention to restrict building coverage for papakainga activities and this was an unintentional error. I recommend that the submission be accepted.
156. Mercury New Zealand Limited [*FS1387.432*] opposes submission [697.88] for the same reason as their previous further submission. For the reasons outlined above, I recommend that this further submission be rejected.

157. Waikato District Council [697.89] seeks to amend the text within the activity rule in reference to ‘Concept Management Plans’. The correct term to be used in this rule is “endorsed” as opposed to “approved”. This is because the Māori Land Court prefer the term “endorsed”. I recommend that this amendment be accepted.
158. Further Submissions from Waikato-Tainui [FS/108.1] and Turangawaewae Trust Board – V Kingi [FS/139.1] support submission [697.89]. I recommend that they be accepted in part. Mercury New Zealand Limited [FS/387.433] opposes submission [697.89] for the same reason as their previous further submission. I recommend that this further submission be rejected.

### Recommendation

159. I recommend, for the reasons given above, that the Hearings Panel:
- Accept in part Heritage New Zealand Lower Northern Office [559.35], Whenua Holdings Waikato Limited [829.6] and Malibu Hamilton [553.38], subject to amendments under other submissions, and reject further submissions opposing: Mercury New Zealand Limited [FS/388.798 and FS/387.1337].
  - Accept Waikato District Council [698.88], and reject further submission opposing: Mercury New Zealand Limited [FS/387.432]. Amend rule accordingly.
  - Accept Waikato District Council [697.89] and accept in part further submissions Waikato-Tainui [FS/108.1] and Turangawaewae Trust Board - V Kingi [FS/139.1]. Amend rule accordingly.
  - Reject further submission Mercury New Zealand Limited [FS/387.433].

### Amendments

160. Delete Rule 16.1.2 Permitted Activities P2 Activity Specific Condition (a) A Mare Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land specific.
161. Delete Rule 16.1.2 P2(a) as follows:  
~~(a) The total building coverage does not exceed 50%;~~
162. Amend Rule 16.1.2 P2 as follows:
- (b)(i) A Concept Management Plan ~~approved~~endorsed by the Māori Land Court
- AND
- (c)(i) A Concept Management Plan ~~approved~~endorsed by the Māori Land Court.

### S32AA Evaluation

#### Deletion of Rule 16.1.2 P2 (a)

163. The reasons given for the submission from the Waikato District Council [697.88] are that it was not intended by Council to restrict building coverage for papakainga development in the Residential Zone. Other controls such as building coverage, daylight admissions, living courts, parking requirements and on-site parking and manoeuvring etc. will still provide building controls for a site.



164. Having a more permissive building coverage for papakaainga will enable a number of building scenarios to occur such as: individual units/dwellings to accommodate kaumatua or whanau groups or one larger building to accommodate everyone (young and elderly). There are many different examples of how papakaainga can be designed in practice and it depends wholly on what each whanau group want to achieve with their development. Generally the thinking around papakaainga development is to provide multiple options for whanau, and is centred around traditional values.
165. The amendments sought will enable the flexibility for papakaainga development on Maaori Freehold Land that Council are seeking as a district. It is important to note that Maaori Freehold Land is not the same as General Land and is subject to a number of constraints, which are considered relevant when the need for flexibility is considered.
166. It is also important to highlight the importance of meeting the obligations under sections 5, 6, 7 and 8 of the RMA in regard to providing for future generations and respecting the relationship that Tangata Whenua have with their land (in this case I am referring specifically to Maaori freehold land).

#### Other reasonably practicable options

167. It is an alternative option to consider a reduced building coverage between 50% and 100% site coverage. However, as already discussed above, site coverage is largely dependent on a number of building controls already in the Residential Zone such as setbacks, daylight angles etc.
168. For example, a Maaori Freehold site of 600m<sup>2</sup> in the Residential Zone would still need to provide for building setbacks (Rule 16.3.9), daylight admission (Rule 16.3.5), parking and manoeuvring areas (Chapter 14) and living courts (Rule 16.3.7). If these rules are taken into consideration in the design of the development, the site would not achieve 100% building coverage anyway.

#### Effectiveness and efficiency

169. The recommended amendments to Rule 16.1.2 P2 Activity Specific Condition (a) in the Residential Zone aligns with the Objectives and Policies included in Chapter 2 – Tangata Whenua, which provides for the enablement of Tangata Whenua to utilise their land.
170. The amendment sought to Rule 16.1.2 P2 is a shift from what was notified in the Proposed District Plan (which imposed the 50% coverage rule). Having no maximum site coverage is consistent with enabling flexible rule provisions for Maaori Freehold Land. When this is considered in conjunction with the other provisions for papakaainga development (i.e. no restrictions on the number of dwellings or minor dwellings), the deletion of the site coverage requirements will create flexibility for whanau to live in a traditional way (i.e. multiple residential units to provide accommodation for all whanau members – young through to elderly).

#### Costs and benefits

171. In terms of effects on the environment, arguably the amendment to Rule 16.1.2 P2 has the potential to generate some additional amenity and character effects on the residential environment over and above what a typical residential development would generate (based on a 40% building coverage).
172. However, there are several valid considerations in relation to Maaori freehold land specifically that need to be outlined as follows:
- a) The rules for papakaainga development within the Residential Zone do not operate in isolation. They work in conjunction with other building controls, which ensure that the effects on the amenity values of neighbouring properties are considered reasonable for the residential environment;
  - b) Papakaainga development is residential accommodation and is anticipated to remain in keeping with the Residential Zone from an amenity, character and effects perspective;

- c) The number of Maaori freehold properties within the Residential Zone are very limited by comparison to general freehold properties within the Residential Zone. Based on Council's data, there is approximately 48.85ha of land in Maaori ownership in the District zoned as Residential Zone, compared with a total of 2,564.35ha Residential Zoned land. This equates to 1.88% of the Residential Zoned land (as proposed by the PWDP) within Waikato District. Therefore, it is not anticipated that a large proportion of properties within the zone could undertake papakainga development.
173. It is not anticipated that there would be any additional costs as a result of this change, therefore costs are likely to be the same as those proposed in the notified district plan.
174. There are benefits for the communities in which papakainga housing developments are situated from a social, environmental, cultural and economic perspective. Enabling papakainga development in the Residential Zone also supports the strategic growth envisaged for the district.
175. There are also benefits for Maaori communities in that additional building coverage will allow additional housing opportunities for Maaori and allow them to reconnect with their whenua kaainga.

#### Risk of acting or not acting

176. There are no risks in not acting. However, acting will enable the promotion of papakainga developments to be designed and developed with a permissive and flexible approach which will enable whanau to plan living accommodation that meets the needs of their whanau. There is sufficient information regarding cultural, environmental, social and economic effects to justify the amendment to the rule.

#### Decision about most appropriate option

177. The amendment gives effect to the higher-order documents including the Waikato Regional Policy Statement, which promotes Council providing options in district plans for papakainga development. The amendment is considered to be more appropriate and achieving Strategic Objectives 2.11 – Tautoko te Whakatupuranga and 2.12 – Whakapapa (connection to nature) and Policy 2.13.1 Tangata Whenuatanga (utilisation by landowners) in achieving the purpose of the RMA and sections 6, 7 and 8, than the current notified version.

#### Amendments to rule 16.1.2 P2 (b) and (c)

178. Amendments to Rule 16.1.2 P2 (b) and (c) are minor in nature to assist with the understanding of planning in relation to Māori Land Court terminology. Accordingly, no s32AA evaluation has been undertaken.

## 21 Maaori Land Rules – Business Zone Chapter 17

Submission Point	Submitter	Summary of Submission
553.15	Malibu Hamilton	Retain Rule 17.1.2 P16, P17 and P18 Permitted Activities.
559.36	Heritage New Zealand Lower Northern Office	Retain Rule 17.1.2 P16 – A Marae complex or Papakainga Housing development on Maaori Freehold land or on Maaori Customary Land.
<i>FS1388.799</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 559.36</i>

697.166	Waikato District Council	<p>Submitter seeks to amend Rule 17.1.2 P16 (a)(i) A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land, as follows:</p> <p>(i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court.</p> <p>AND</p> <p>Amend Rule 17.1.2(P16)(b)(i), as follows:</p> <p>(i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court;</p>
FS1387.466	Mercury New Zealand Limited	Oppose 697.166

### Analysis

179. Heritage New Zealand Lower Northern Office [559.36], and Malibu Hamilton [553.15] ask to retain Rules under 17.1.2, P16 – A Marae complex or Papakaainga Housing development on Maaori Freehold land or on Maaori Customary Land. Malibu Hamilton also asks to retain rules P17 and P18. I recommend that the submissions be accepted in part, subject to amendments made in response to other submissions.
180. Mercury New Zealand Limited [FS/388.466] opposes [559.36] for the same reason as their previous further submission. I recommend that this be rejected for the reason previously stated.
181. Waikato District Council [697.166] seeks to amend the text within the activity rule in reference to ‘Concept Management Plans’. The correct term to be used in this rule is “endorsed”, as opposed to “approved”. This is because the Māori Land Court prefer the term “endorsed”. I recommend that this amendment be accepted.

### Recommendation

182. I recommend, for the reasons given above, that the Hearings Panel:
- Accept in part Heritage New Zealand Lower Northern Office [559.36], and Malibu Hamilton [553.15], subject to amendments under other submissions.
  - Reject further submission Mercury New Zealand Limited [FS/388.466].
  - Accept Waikato District Council [697.166] and reject further submission in opposition Mercury New Zealand Limited [FS/387.466].

### Amendments

183. Amend Rule 17.1.2 P16 (a)(i) A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land, as follows:
- (i) A Concept Management Plan ~~approved~~ endorsed by the Māori Land Court
- AND
- Amend Rule 17.1.2(P16)(b)(i), as follows: (i) A Concept Management Plan ~~approved~~ endorsed by the Māori Land Court;

### S32AA Evaluation

184. The recommended amendments are minor in nature to assist with the understanding of planning in relation to Māori Land Court terminology. Accordingly, no s32AA evaluation has been required to be undertaken.

## 22 Maaori Land Rules – Rural Zone Chapter 22

Submission Point	Submitter	Summary of Submission
559.37	Heritage New Zealand Lower Northern Office	Retain Rule 22.1.2 P1 - A Marae complex or Papakaainga Housing development on Maaori Freehold land or on Maaori Customary Land.
<i>FS1388.800</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 599.37</i>
802.6	Vera van der Voorden	Retain the Maaori provisions in Rule 22.1.2 Permitted Activities.
942.82	Tainui o Tainui	Retain the provisions within Rule 22.1.2 P1 Permitted Activities, and the objectives and policies relating to Maaori Freehold Land.
553.21	Malibu Hamilton	Retain Rule 22.1.2 P1, P2, P3, and P4 Permitted Activities.
<i>FS1388.790</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 553.21</i>
553.23	Malibu Hamilton	Retain the following rules in Rule 22.7 Specific Area – Whaanga Coast Development Areas: 22.7.1.1 Permitted Activities 22.7.1.2 Discretionary Activities (1) 22.7.1.3 Earthworks within a Development Area 22.7.1.4 Building height within a Development Area 22.7.1.5 Accessory building within a Development Area 22.7.1.6 Building setback within a Development Area 22.7.1.7 Papakaainga Building – Gross Floor Area 22.7.1.8 Dwelling – Gross Floor Area
780.44	Whaingaroa Environmental Defence Incorporation	Retain Section 22.7 Specific Area – Whaanga Coast Development Areas as notified.
802.7	Vera van der Voorden	Retain the Maaori provisions in Rule 22.7 Whaanga Coast Development Areas.

825.44	John Lawson	Retain Section 22.7 Specific Area – Whaanga Coast Development Areas.
831.10	Raglan Naturally	Retain Rule 22.7 Specific Area - Whaanga Coast Development Areas.
697.843	Waikato District Council	Amend the heading of Rule 22.7 Specific Area - Whaanga Coast Development Areas, as follows: <u>Whaanga Coast</u>  AND Amend to make consequential changes where relevant.
330.186	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.7 Specific Area - Whaanga Coast Development Areas.
330.187	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.7.1 Application of Rules within a Whaanga Coast Development Area, and/or all rules sitting under Rule 22.7.1.
330.188	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.7.2 Application of Rules outside a Whaanga Coast Development Area.
780.50	Whaingaroa Environmental Defence Incorporation	Retain Rule 22.7.1.1 Permitted Activities as notified.
<i>FS1387.1209</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 780.50</i>
802.8	Vera van der Voorden	Retain the Maaori provisions in Rule 22.7.1.1 Permitted Activities.
825.51	John Lawson	Retain Rule 22.7.1.1 Permitted Activities
831.75	Raglan Naturally	Retain Rule 22.7.1.1 Permitted Activities.
695.100	Sharp Planning Solutions Ltd	Retain a maximum area of earthworks in Rule 22.7.1.3 P(a)(i) Earthworks within a Development Area.
695.101	Sharp Planning Solutions Ltd	Amend Rule 22.7.1.3 P(a)(i) to be applied on a ratio based on the site area i.e. a 1:1 ratio so that a 450m <sup>2</sup> site would provide 450m <sup>3</sup> of earthworks.
579.23	Lakeside Developments 2017 Limited	Delete Rule 22.8.2 P1 relating to A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.  AND Amend the Proposed District Plan to make any

		amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
FS1388.903	Mercury NZ Limited	Oppose 579.23

### Analysis

185. Heritage New Zealand Lower Northern Office [559.37], Vera van der Voorden [802.6], Tainui o Tainui [942.82] and Malibu Hamilton [553.21] ask to retain the provisions within Rule 22.1.2 PI Permitted Activities, and the objectives and policies relating to Maaori Freehold Land. I recommend that the submissions be accepted.
186. Mercury New Zealand Limited oppose a number of submissions for the same reason as their previous further submission. I recommend that this be rejected, for the reason outlined earlier in my report.
187. Malibu Hamilton [553.23], Whaingaroa Environmental Defence Incorporation [780.44 and 780.50], Vera van der Voorden [802.7 and 802.8], John Lawson [825.44 and 825.51] and Raglan Naturally [831.10 and 831.75] ask to retain Section 22.7 Specific Area and associated rules – Whaanga Coast Development Areas, as notified. I recommend that the submissions be accepted.
188. Waikato District Council [697.843] asks to amend the heading of Rule 22.7 Specific Area – Whaanga Coast development Areas. I recommend that the submission be accepted.
189. Andrew and Christine Gore [330.186, 330.187, and 330.188] submitted on the Whaanga Coast Area and/or all the rules sitting under Rule 22.7.1. They have not sought a specific decision, relief or changes to the rule. Because there is no understanding of their submission point or reasons to base an opinion on in this matter, I recommend that their submission points be rejected.
190. Sharp Planning Solutions Ltd [695.100] has asked to retain a maximum area of earthworks in Rule 22.7.1.3 PI(a)(i) Earthworks within a Development Area. No reason was provided with this submission.
191. Sharp Planning Solutions Ltd [695.101] seek to amend rule 22.7.1.3 PI(a)(i) Earthworks within a Development Area to apply a ratio for earthworks based on the site area. For example, a 450m<sup>2</sup> site would provide for 450m<sup>3</sup> of earthworks. The reasons given for this submission are that the rule penalises bigger sites for no apparent planning outcome, when a bigger site is likely to be able to absorb and diffuse effects. The submission also states that earthworks totals should be counted as not cancelling each other out (i.e. cut and fill are added together).
192. Sharp Planning Solutions Ltd [695.100] and [695.101] do raise a valid point in respect to Rule 22.7.1.3 Earthworks within a Development Area needing to be more flexible. Given the technical nature of the earthworks provisions, it is recommended that both submissions be deferred to Hearing 21 for the Rural Zone, where the technical aspects of the earthworks rules for the Whaanga Coast can be discussed in conjunction with the landuse effects rules for the Rural Zone.
193. However, I recommend accepting both submissions in principle at this hearing, as there does appear to be a conflict between the current earthworks rules proposed, which do not enable building development (i.e. papakaainga housing and papakaainga buildings) within the development area without resource consent. This is because the rule provides only for a one-off volume and area threshold and does not allow for the construction of building platforms.
194. At present, if the current rule is applied, one landowner who undertakes the maximum volume and area of earthworks for one activity would mean that any other landowner would

trigger the requirement for resource consent each time a new dwelling or papakaainga building was established.

195. Lakeside Developments (2017) Limited [579.23] asks to delete Rule 22.8.2 PI relating to a Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land, and to make any amendments or consequential changes to give effect to the matters raised in the submission.
196. Rule 22.8.2 PI allows for permitted activities for marae complexes and papakaainga. It will not constrain site development of other kinds. It is unclear what the submitter's reasoning is for asking for deletion of the rule. I recommend that the submission be deleted, in the absence of further evidence provided by the submitter.

### Recommendation

197. For the reasons given above, I recommend that the Hearings Panel:
- Accept Heritage New Zealand Lower Northern Office [559.37], Vera van der Voorden [802.6], Tainui o Tainui [942.82] and Malibu Hamilton [553.21].
  - Reject Mercury New Zealand Limited [FS1388.790] and [FS1388.800].
  - Accept Malibu Hamilton [553.23], Whaingaroa Environmental Defence Incorporation [780.44 and 780.50], Vera van der Voorden [802.7 and 802.8], John Lawson [825.44 and 825.51] and Raglan Naturally [831.10 & 831.75]. Reject Mercury New Zealand Limited [FS1387.1209] opposing submission [780.50].
  - Accept Waikato District Council [697.843] and amend the heading of Rule 22.7 accordingly.
  - Reject Andrew and Christine Gore [330.186, 330.187 and 330.188].
  - Defer Sharp Planning Solutions Ltd [695.100, 695.101] to Hearing 21 for the Rural Zone, when it can be considered alongside other submissions on earthworks rules. Accept in principle that the submission raises valid issues indicating difficulties for Maaori land development.
  - Reject Lakeside Developments (2017) Limited [579.23], and accept further submission, Mercury NZ Limited [FS1388.903].

### Amendments

198. Amend the heading of Rule 22.7 Specific Area - Whaanga Coast Development Areas by deleting the words "Development Areas," and make consequential changes where relevant.

### S32AA Evaluation

199. The recommended amendment to clarify the heading of Rule 22.7 is minor in nature. Accordingly, no s32AA evaluation has been undertaken.

## 23 Riria Kereopa Drive (Rural Zone rules)

### Submissions

Submission Point	Submitter	Summary of Submission
504.2	Michael Edmonds	Amend the rules to provide for the following as permitted activities on Riria Kereopa Drive,

		<p>Raglan.</p> <ul style="list-style-type: none"> <li>• Facilities for surface water activities;</li> <li>• Recreation;</li> <li>• Kohanga reo;</li> <li>• Education facilities;</li> <li>• Public toilets;</li> <li>• Camp site and associated car wash, grocery or boating store and marae;</li> <li>• Restaurant;</li> <li>• Conference facilities; and</li> <li>• Travellers' accommodation.</li> </ul>
<i>FS1388.511</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 504.2</i>
942.4	Tainui o Tainui	<p>Add the following activities as permitted activities on Maaori Freehold Land on Riria Kereopa Drive:</p> <ul style="list-style-type: none"> <li>• Facilities for surface water activities;</li> <li>• Recreation;</li> <li>• Kohanga reo;</li> <li>• Education facilities;</li> <li>• Public toilets;</li> <li>• Camp site, grocery or boating store and marae;</li> <li>• Restaurant;</li> <li>• Conference facilities;</li> <li>• Traveller's accommodation.</li> </ul> <p>AND</p> <p>Amend Section 1.12.1 Strategic Direction to recognise the Tihei Mauriora Plan.</p>
942.16	Tainui o Tainui	<p>Amend the Proposed District Plan, including Policy 4.1.6 Commercial and Industrial activities to permit the following activities at Te Kopua 3 and 4, Riria Kereopa Memorial Drive:</p> <ul style="list-style-type: none"> <li>• Facilities for surface water activities,</li> <li>• Recreation,</li> <li>• Kohanga reo,</li> <li>• Education facilities,</li> <li>• Public toilets,</li> <li>• Camp site, grocery or boating store and marae,</li> <li>• Restaurant,</li> <li>• Conference facilities,</li> <li>• Travellers' accommodation.</li> </ul>
300.4	Te Whaanga 2B3B2 & 2BI Ahu Whenua	Amend the Proposed District Plan to retain the Operative District Plan provisions for Te Kopua lands located on Riria Kereopa Memorial Drive



	Trust	at Raglan, which include permitted activities for: <ul style="list-style-type: none"> <li>• Facilities for surface water activities,</li> <li>• Recreation,</li> <li>• Kohanga reo,</li> <li>• Education facilities,</li> <li>• Public toilets,</li> <li>• Camp site, grocery or boating store and marae,</li> <li>• Restaurant,</li> <li>• Conference facilities,</li> <li>• Travellers' accommodation.</li> </ul>
<i>FS1386.335</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 300.4</i>
152.4	Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	Amend the Proposed District Plan to enable the following activities as permitted on Te Kopua lands on Riria Kereopa Memorial Drive, Raglan (including Te Kopua Trust, Te Kopua 2B3 Incorporation and Whaingaroa Kite Whenua): <ul style="list-style-type: none"> <li>• Facilities for surface water activities,</li> <li>• Recreation,</li> <li>• Kohanga reo,</li> <li>• Education facilities</li> <li>• Public toilets,</li> <li>• Camp site and associated car wash, grocery or boating store and marae,</li> <li>• Restaurant,</li> <li>• Conference facilities,</li> <li>• Travellers' accommodation.</li> </ul>
505.2	Te Kopua 2B3 Incorporation	Amend the rules to provide for the following as permitted activities on Riria Kereopa Drive, Raglan: <ul style="list-style-type: none"> <li>• Facilities for surface water activities;</li> <li>• Recreation;</li> <li>• Kohanga reo;</li> <li>• Education facilities;</li> <li>• Public toilets;</li> <li>• Camp site and associated car wash,</li> <li>• Grocery or boating store and marae;</li> <li>• Restaurant;</li> <li>• Conference facilities; and</li> <li>• Travellers' accommodation.</li> </ul>
<i>FS1388.512</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 505.2</i>

## Analysis

200. Michael Edmonds [504.2], Tainui o Tainui [942.4 and 942.16], Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [300.4 and 152.4] and Te Kopua 2B3 Incorporation [505.2] have asked to amend the rules of the PWDP to include the permitted activities that they have under the operative district plan, in relation to Te Kopua land on Riria Kereopa Memorial Drive at Raglan.
201. In the operative district plan, the land is in the Paa zone. Operative Rule 22.10 provides the following activities as permitted activities for Riria Kereopa Drive land in the Paa Zone:
- *Facilities for surface water activities*
  - *Recreation*
  - *Kohanga reo*
  - *Education facilities*
  - *Public toilets*
  - *Camp site and associated car wash, grocery or boating store and marae*
  - *Restaurant*
  - *Conference facilities*
  - *Travellers' accommodation.*
202. Under the PWDP, these permitted activities for Riria Kereopa Drive have been incorporated into the definition for Marae Complex and now apply to all Marae on Maaori Freehold land, **except** a restaurant. The Riria Kereopa Memorial Drive land is Maaori freehold land, and therefore has the benefit of the applicable proposed rules. It is in the Rural Zone in the PWDP, so the relevant rule is 22.1.2 P1.
203. Restaurants are excluded from the definition of Marae Complex in Chapter 13 (a restaurant is not the same as a wharekai on a marae):
- Marae complex*
- Means a group of buildings that constitutes a marae and can be made up of a wharenuui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenuui), urupaa (graveyard), tuaahu (sacred place for ritual practices), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaaingal/papakainga building and utility services.*
204. The submitters relating to land uses on Riria Kereopa Memorial Drive request a restaurant as part of their Tihei Mauriora Plan. I therefore recommend that the Operative District Plan rules permitting a restaurant activity be carried forward into the PWDP, but none of the other permitted activities in the Operative District Plan, as these are an unnecessary addition to the Proposed District Plan and would result in duplication.
205. Opposing further submissions were received from Mercury NZ Limited [FS1386.335, FS1388.511 and FS1388.512]. Mercury considered that at the time of lodging further submissions, neither natural hazard flood provisions, nor adequate flood maps were available, and it was not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective.
206. It is my view that the opposing further submissions are irrelevant or unnecessary at this time. Riria Kereopa Drive or the Te Kopua Maaori Freehold land blocks are not newly-developed areas and have been inhabited for years. When there is any new development to this site, the Coastal Hazard Report for sea rise level and estuary levels will be taken into consideration through land planning processes to mitigate the effects. In addition, any coastal hazard overlays relevant to this area will be part of the Proposed District Plan (Stage 2) and are most appropriately considered at that time. I therefore recommend that the above further submissions be rejected.

## Recommendation

207. I recommend, for the reasons given above, that the Hearings Panel:

- Accept in part Michael Edmonds [504.2], Tainui o Tainui [942.4 and 942.16], Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [300.4 and 152.4] and Te Kopua 2B3 Incorporation [505.2], and add to the Proposed District Plan Rural zone an equivalent rule to the operative rule permitting restaurant activity for Riria Kereopa Drive.
- Reject Mercury NZ Limited [FS/386.335, FS/388.511 and FS/388.512].

## Amendments

209. Add a new to Rule 22.1.2 (1) P1:

(e) On Riria Kereopa Drive the following activity is permitted:

(i) Restaurant

## Section 32AA evaluation

210. The recommended amendments are explanatory in nature, to correct an omission in the original wording of the plan. Accordingly, no s32AA evaluation has been required to be undertaken.

## 24 Maaori Land Rules – Village Zone

Submission Point	Submitter	Summary of Submission
553.30	Malibu Hamilton	Retain Rule 24.1.1 Permitted Activities.
559.38	Heritage New Zealand Lower Northern Office	Retain Rule 24.1.2 P2 - A Marae complex or Papakaainga Housing development on Maaori Freehold land or on Maaori Customary Land.
<i>FS1388.801</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 559.38</i>
697.938	Waikato District Council	Delete Rule 24.1.1 P2(a) Activity Specific Conditions (A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land)
<i>FS1387.741</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 697.938</i>
697.939	Waikato District Council	Amend Rule 24.1.1(P2)(b)(i) Permitted Activities (A Marae Complex or Papkaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land), as follows:  (i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court  AND  Amend Rule 24.1.1(P1)(c)(i) as follows:  (i) A Concept Management Plan <del>approved</del> <u>endorsed</u> by the Māori Land Court;
<i>FS1387.742</i>	<i>Mercury New Zealand Limited</i>	<i>Oppose 697.939</i>

### Analysis

211. Malibu Hamilton [553.30] and Heritage New Zealand Lower Northern Office [559.38] ask to Retain Rule 24.1.1 Permitted Activities and 24.1.2 P2 - A Marae complex or Papakaainga Housing development on Maaori Freehold land or on Maaori Customary Land. I recommend that the submission be accepted.
212. Mercury New Zealand Limited [*FS1388.801*] opposes submission [559.38] for the same reason as their previous further submission. I recommend that this be rejected, for reasons given above.
213. Waikato District Council [697.938] asks to delete Rule 24.1.1 P2(a) Activity-Specific Conditions (A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land). There was no intention to restrict building coverage for these activities. I recommend that the amendment be accepted.

214. Mercury New Zealand Limited [FS/387.741] opposes submission [697.938] for the same reason as their previous further submission. I recommend that this be rejected, for reasons given above.
215. Waikato District Council [697.939] seeks to amend the text within the activity rule in reference to ‘Concept Management Plans’. The correct term to be used in this rule is “endorsed” as opposed to “approved”. This is because the Māori Land Court prefer the term “endorsed”. I recommend that this amendment be accepted.
216. Mercury New Zealand Limited [FS/387.742] opposes submission [697.939] for the same reason as their previous further submission. I recommend that this be rejected, for reasons given above.

### Recommendation

217. I recommend, for the reasons given above, that the Hearings Panel:
- Accept in principle Malibu Hamilton [553.30] and Heritage New Zealand Lower Northern Office [559.38] and reject opposing further submission Mercury New Zealand Limited [FS/388.801].
  - Accept Waikato District Council [697.938] and reject opposing further submission Mercury New Zealand Limited [FS/387.741].
  - Accept Waikato District Council [697.939] and reject opposing further submission Mercury New Zealand Limited [FS/387.742].

### Amendments

218. Delete Rule 24.1.1 P2(a) Activity-Specific Conditions (A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land).
- ~~The total building coverage does not exceed 50%~~
219. Amend the text within the activity rule in reference to ‘Concept Management Plans’.
- (i) A Concept Management Plan ~~approved~~endorsed by the Māori Land Court;

### S32AA Evaluation

220. The recommended amendments to Rule 24.1.1 P2 (b) and (c) are minor in nature to assist with the understanding of planning in relation to Māori Land Court terminology. Accordingly, no s32AA evaluation has been required to be undertaken.
221. The recommended deletion of Rule 24.1.1P2 (a) is the same as was recommended for the equivalent Residential Zone rule. The section 32AA evaluation in this report in the section “Maaori Land Rules – Residential Zone Chapter 16” applies equally to the Village Zone. It is not repeated here to avoid duplication.

## 25 Maaori Policies in Chapters 3 and 5

Submission Point	Submitter	Summary of Submission
553.35	Malibu Hamilton	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land.
559.41	Heritage New Zealand Lower Northern Office	Retain Policy 3.3.4 (a), (b) and (c) The relationships of Maaori with natural resources and land.
553.36	Malibu Hamilton	Retain Policy 5.3.18 Specific area – Whaanga Coast Development Areas.
831.66	Raglan Naturally	No specific decision is requested, but the submitter seeks to protect the wild and natural character of the Whaanga Coast with reference to Policy 5.3.18 Specific Area - Whaanga Coast Development Areas.

### Analysis

222. Malibu Hamilton [553.35] and Heritage New Zealand Lower Northern Office [559.41] ask to retain Policy 3.3.4 - The relationships of Maaori with natural resources and land. There are no submissions opposing this policy.
223. Policy 3.3.4 is included in Chapter 3 Natural Environment. This policy implements Objective 3.3.1, which recognises and protects outstanding natural features and landscapes. Policy 3.3.4 focuses on cultural and spiritual relationships of Maaori with outstanding natural features and landscapes, development of Maaori freehold land within outstanding natural features and landscapes (including the Whaanga Coast), and cultural and customary uses of natural resources, as an integral part of identified outstanding natural features and landscapes. These are important considerations for Tangata Whenua.
224. Submissions on Chapter 3 Natural Environment will be reported and considered at a later hearing. Subject to amendments made in response to other submissions at the later hearing, I recommend that Malibu Hamilton [553.35] and Heritage New Zealand Lower Northern Office [559.41] be accepted in principle, subject to later consideration and hearing of other submissions on Chapter 3.
225. Malibu Hamilton [553.36] asks to retain Policy 5.3.18 Specific area – Whaanga Coast Development Areas. I infer that this is also the outcome sought by Raglan Naturally [831.66]. There are no submissions opposing this policy.
226. Policy 5.3.18 is included in Chapter 5: Rural Environment. It implements Objective 5.3.1 “Rural character and amenity are maintained.” Policy 5.3.18 states:

*Provide for a bulk and scale of land use and development to enable papakainga housing in the Whaanga Coast Development Areas.*

227. The Whaanga Coast contains significant Maaori freehold land, and this is an important consideration for Tangata Whenua.
228. Submissions on Chapter 5 will be reported and considered at a later hearing. Subject to amendments made in response to other submissions at the later hearing, I recommend that

Malibu Hamilton [553.36] and by Raglan Naturally [831.66] be accepted in principle, subject to later hearing of other submissions on Chapter 5.

### Recommendation

229. I recommend, for the reasons given above, that the Hearings Panel:

- Accept in principle Malibu Hamilton [553.35] and Heritage New Zealand Lower Northern Office [559.41], subject to any amendments made in response to other submissions.
- Accept in principle Malibu Hamilton [553.36] and Raglan Naturally [831.66], subject to any amendments made in response to other submissions.

### Amendments

230. There are no amendments recommended arising from consideration of the above submissions.

## 26 Request for Maori Land Chapter

Submission Point	Submitter	Summary of Submission
559.2	Heritage New Zealand Lower Northern Office	Retain the format of a separate chapter relating to Tangata whenua values.  AND  Amend the format of the Proposed District Plan to include the related rules and matters of control and discretion that give effect to the objectives and policies into the Tangata whenua chapter.  OR  Amend the Proposed District Plan to include cross referencing to the rule numbers within the other chapters of the Plan that give effect to the objective and policies.  AND  Amend the Proposed District Plan to make any other consequential amendments as required.
286.9	Waikato-Tainui	No specific decision sought but the submission supports the introduction of a specific chapter addressing Tangata whenua concerns, issues and opportunities.
<i>FS1035.15</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.9</i>
984.1	Trustee Turangawaewae Trust Board – G Raumati	No specific decision sought but the submission supports the introduction of a specific chapter addressing Tangata whenua concerns, issues and

		opportunities.
<i>FS1323.169</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 984.1</i>
286.21	Waikato-Tainui	Amend the Proposed District Plan to provide for a new district-wide Maaori land Chapter, which provides a specific objective and policy framework, a wider range of activities relevant to Maaori land, such as Urupaa and koohanga (could be specifically identified rather than just covered under the definition of Marae Complex), and Concept Management Plans which provide for permitted activities. This chapter would apply district wide and ensure the benefits are not limited to certain zones.
<i>FS1035.27</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.21</i>
<i>FS1323.174</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 286.21</i>
493.13	Jackie Colliar	Add a new district-wide Maaori land chapter that includes specific objectives and policy framework, a wider range of activities relevant to Maaori land such as urupa and koohanga (could be specifically identified rather than just covered by the definition of "Marae Complex") and would apply District-wide.
<i>FS1035.66</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.13</i>
984.5	Trustee Turangawaewae Trust Board – G Raumati	Amend the Proposed District Plan to provide for a new district-wide Maaori land Chapter, which provides a specific objective and policy framework, a wider range of activities relevant to Maaori land, such as Urupaa and koohanga (could be specifically identified rather than just covered under the definition of Marae Complex), and Concept Management Plans which provide for permitted activities. This chapter would apply district wide and ensure the benefits are not limited to certain zones.
<i>FS1323.173</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 984.5</i>
380.10	Waahi Whaanui Trust	No specific decision sought, but the submission supports the introduction of a specific chapter addressing Tangata Whenua concerns, issues and opportunities.
493.21	Jackie Colliar	Amend the Proposed District Plan following engagement with Waikato-Tainui and mana whenua to ensure that respective land development plans and opportunities are



		adequately provided for.
FS1035.74	Pareoranga Te Kata	Support 493.21

### Analysis

231. These submissions ask for a specific Maaori land chapter. The submitters envisage a chapter combining all objectives, policies and rules on Maaori land, along with additional plan provisions on a wider range of activities relevant to Maaori land, such as urupaa and koohanga. The PWDP presents objectives and policies in Chapter 2, with rules in relevant zone chapters.
232. Heritage New Zealand Lower Northern Office [559.2] asks to retain a separate chapter relating to tangata whenua, but to include the related rules and matters of control and discretion that give effect to the objectives and policies, or cross-reference the rules.
233. I do not support the idea of presenting the rules in Chapter 2, as that will fragment the rules and make the plan difficult to read. It is better to have all the rules together in the PWDP. Cross-referencing adds little value and tends to clutter the text. I recommend that this submission be rejected. I am mindful of the National Planning Standards which include in Part 2 District Wide Matters a chapter for Historical and Cultural Values; however this is focused on sites and areas of significance to Maori rather than the management of activities and buildings on Maaori owned land. This confirms my approach to retaining the rules in each of the zone chapters.
234. In view of the administration and processes for Maaori land under the Te Ture Whenua Maaori Act 1993, it is unnecessary to have a chapter on Maaori land. The jurisdiction of the activities for Maaori land is under the administration of Te Puni Kokiri, but managed by the Māori Land Court. The PWDP manages the effects through the court process, and by using a concept management plan as a tool to assist the process, and by providing definitions.
235. Waikato Tainui [286.21] and Jackie Colliar [493.13 and 493.21] ask to include a wider range of activities relevant to Maaori land, such as urupaa and koohanga, which they say could be specifically identified rather than just covered under the definition of Marae Complex. An amendment along those lines is not justified, and would make little practical difference to the development outcomes. I recommend that these submissions be rejected, for the above reason. Supporting further submissions from Pareoranga Te Kata [FS1035.27, FS1035.66, FS1035.74] should also be rejected.

### Recommendation

236. I recommend, for the reasons given above, that the Hearings Panel:
- Reject Waikato Tainui [286.9, 286.21], Jackie Colliar [493.13 and 493.21] and Trustee Turangawaewae Trust Board – G Raumati [984.1, 984.5], and Waahi Whaanui Trust [380.10].
  - Accept in part Heritage New Zealand Lower Northern Office [559.2].
  - Reject further submissions Pareoranga Te Kata [FS1035.15, FS1035.27, FS1035.66, FS1035.74], Heritage New Zealand Pouhere Taonga [FS1323.169, FS1323.173, FS1323.174].

### Amendments

237. There are no recommended amendments in this section of the report.

## 27 Request to integrate Matauranga Maaori

Submission Point	Submitter	Summary of Submission
286.26	Waikato-Tainui	No specific decision sought but submission requests the blueprint and structure plan processes recognise tikanga and Maatauranga Maaori.
<i>FS1035.32</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
642.4	Waikato River Authority	Amend the Proposed District Plan to allow for greater integration of Maatauranga Maaori throughout the various policies in the Plan.
<i>FS1035.48</i>	<i>Pareoranga Te Kata</i>	<i>Support 642.4</i>
<i>FS1037.4</i>	<i>Waikato River Authority</i>	<i>Support 642.4</i>
<i>FS1108.103</i>	<i>Waikato-Tainui</i>	<i>Support 642.4</i>
<i>FS1139.90</i>	<i>Turangawaewae Trust Board – V Kingi</i>	<i>Support 642.4</i>
<i>FS1345.96</i>	<i>Genesis Energy Limited</i>	<i>Support in part 642.4</i>
984.3	Trustee Turangawaewae Trust Board – G Raumati	Amend the Proposed District Plan to allow for greater use of matauranga Maaori.
<i>FS1108.179</i>	<i>Waikato-Tainui</i>	<i>Support 984.3</i>
<i>FS1323.175</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Support 984.3</i>

### Analysis

238. Waikato River Authority [642.4], Trustee Turangawaewae Trust Board – G Raumati [984.3] and Waikato-Tainui [286.26] have asked to amend the Proposed District Plan to allow for greater integration of Maatauranga Maaori throughout the various policies in the Plan. They have not provided draft plan provisions to achieve this.
239. While the Plan does not fully integrate matauranga Maaori, it does align with Maaori matters of national importance in Chapters 1 and 2, and is sufficient to achieve the purpose of the Proposed District Plan at this time. Therefore, I recommend that these submissions be rejected.
240. Further submissions from Pareoranga Te Kata [*FS1035.48* and *FS1035.32*], Waikato River Authority [*FS1037.4*], Waikato-Tainui [*FS1108.103* and *FS1108.179*], Turangawaewae Trust Board – V Kingi [*FS1139.90*], Genesis Energy Limited [*FS1345.96*] and Heritage New Zealand Pouhere Taonga [*FS1323.175*] support greater integration of matauranga Maaori. For the reason above, I recommend that the submissions and further submissions be rejected.

### Recommendation

241. I recommend, for the reasons given above, that the Hearings Panel:

- Reject Waikato River Authority [642.4], Waikato-Tainui [286.26] and Trustee Turangawaewae Trust Board – G Raumati [984.3].
- Reject supporting further submissions Pareoranga Te Kata [FS1035.48], Waikato River Authority [FS1037.4], Waikato-Tainui [FS1108.103 and FS1108.179], Turangawaewae Trust Board - V Kingi [FS1139.90], Genesis Energy Limited [FS1345.96] and Heritage New Zealand Pouhere Taonga [FS1323.175].

### Amendments

242. There are no amendments recommended in response to the above submissions.

## 28 Definitions – Chapter 13

Submission Point	Submitter	Summary of Submission
367.18	Mercer Residents and Ratepayers Committee	Retain Chapter 13 Definition of "Marae Complex".
286.22	Waikato-Tainui	Amend the definition of "Marae Complex" in Chapter 13 Definitions as follows: Means a group of buildings that constitutes a marae and can be made up of a wharenui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenui), urupaa (graveyard), tuaahu ( <del>memorial statues</del> <u>sacred place for ritual practices</u> ), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaainga/papakaainga building and utility services.
<i>FS1035.28</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.22</i>
493.33	Jackie Colliar	Amend the definition of "Marae Complex" in Chapter 13 Definitions, although submission does not set out specific amendments sought.
<i>FS1035.86</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.33</i>
984.6	Trustee Turangawaewae Trust Board – G Raumati	Amend the definition of "Marae Complex" in Chapter 13 Definitions to provide greater clarity and include individual definitions where appropriate.
697.513	Waikato District Council	Amend the definition of 'marae' in Chapter 13: Glossary of Maaori Terms) Definitions as follows:

		See Definitions of <u>marae complex</u> .
697.399	Waikato District Council	Amend the definition of "Marae complex" as follows: ... a papakaainga/papakaainga building and utility services. <u>These facilities provide for cultural events that take place on a marae.</u>
<i>FS1108.11</i>	<i>Waikato-Tainui</i>	<i>Support 697.399</i>
697.493	Waikato District Council	Amend the definition of "Papakaainga housing development" as follows: Means a comprehensive residential development for a recognised Tangata Whenua group or organisation <del>residing in the Waikato district</del> to support...
493.34	Jackie Colliar	Amend the definition of "Maori Freehold Land" within Chapter 13 Definitions, to ensure consistency with section 129(2)(b) of the Te Ture Whenua Maaori Act 1993.
<i>FS1035.87</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.34</i>
286.23	Waikato-Tainui	Amend the definition of "Maaori Freehold Land" in Chapter 13 Definitions to be consistent with section 129(2)(b) of the Te Ture Whenua Maaori Act 1993.
<i>FS1035.29</i>	<i>Pareoranga Te Kata</i>	<i>Supports 286.23 and also states that Council needs to partner with Kaitiaki, mana whenua to ensure preservation and restoration of the river.</i>
984.7	Trustee Turangawaewae Trust Board – G Raumati	Amend the definition of "Maaori Freehold Land" in Chapter 13 Definitions to be consistent with section 129(2)(b) of the Te Ture Whenua Maori Act 1993.
286.24	Waikato Tainui	Amend the definition of "Maaori Customary Land" in Chapter 13 Definitions to be consistent with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.
<i>FS1035.30</i>	<i>Pareoranga Te Kata</i>	<i>Support in full 286.24</i>
493.23	Jackie Colliar	Amend the definition of "Maaori Customary Land" in Chapter 13 Definitions to be consistent with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.
<i>FS1035.76</i>	<i>Pareoranga Te Kata</i>	<i>Support 493.23</i>
984.8	Trustee Turangawaewae Trust Board – G Raumati	Amend the definition of "Maaori Customary Land" in Chapter 13 Definitions to be consistent with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.

## Analysis

243. The definitions provided in Chapter 13 support the rules to enable utilisation of Maaori Freehold and Customary Land. They clearly define the activities for Tangata Whenua that are normally associated with Marae or papakainga housing and will ensure there is an understanding of how Maaori live and the traditional use of ancestral land. Alignment with the National Planning Standards definitions will be considered separately.
244. The Mercer Residents and Ratepayers Committee [367.18] seeks to retain the definition of Marae Complex. I recommend that the submission be accepted.
245. Waikato District Council [697.399 and 697.513] seeks to amend the text of the definition in Chapter 13 for Marae Complex for correction and completeness.
- Glossary for Maaori Terms: Marae – See Definitions of 'Marae Complex'
  - Add after 'building and utility services'. These facilities provide for cultural events that take place on a marae.
246. I recommend that the Waikato District Council submissions and supporting further submission from Waikato-Tainui [FS1108.11] be accepted.
247. Waikato-Tainui [286.22], Jackie Colliar [493.33], and Trustee Turangawaewae Trust Board – G Raumati [984.6], have quoted the definition from the Proposed District Plan for Marae Complex, which defines activities that may exist in a Marae Complex. They also seek clarification because these remain undefined and very broad. Further submissions Pareoranga Te Kata [FS1035.28 and FS1035.86] support the view of the submitters. I consider that the explanation is clear and sufficient for the purpose of providing a guide for permitted activities that may exist in the Marae Complex. I recommend that the submissions and further submissions be rejected.
248. Submitters Jackie Colliar [493.34, 493.23], Waikato-Tainui [286.23, 286.24], and Trustee Turangawaewae Trust Board – G Raumati [984.7] seek that the definitions of Maaori Freehold Land and Maaori Customary Land be consistent with section 129(2) (a) and (b) of the Te Ture Whenua Maori Act 1993. The relevant parts of that section provide:
- (2) For the purposes of this Act –*
- (a) land that is held by Maori in accordance with tikanga Maori shall have the status of Maori customary land:*
- (b) land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order, shall have the status of Maori freehold land.*
249. The definition used in Chapter 13 is sufficient in part, but reference to the Te Ture Whenua Maori Act 1993 would be appropriate. I recommend that these submissions be accepted in part, along with further submissions by Pareoranga Te Kata [FS1035.86, FS1035.87].
250. Waikato District Council [697.493] seeks to amend the definition of "Papakainga housing development" as follows:
- Amend by removing - Papakainga Housing Development - .....Tangata Whenua group or organisation ~~residing in the Waikato district~~ to support. Traditional....
251. I recommend that the Waikato District Council submission be accepted.

## Recommendation

252. I recommend, for the reasons given above, that the Hearings Panel:
- Accept the submission from The Mercer Residents and Ratepayers Committee [367.18].

- Accept the submissions from Waikato District Council [697.513 and 697.399] and [FS108.11] from Waikato-Tainui in support. Amend the definition accordingly.
- Reject the submissions from Waikato-Tainui [286.22], Jackie Colliar [493.33], and Trustee Turangawaewae Trust Board – G Raumati [984.6].
- Reject further submissions Pareoranga Te Kata [FS1035.28 and FS1035.86]
- Accept in part submissions from submitters Jackie Colliar [493.34], Waikato-Tainui [286.23], and Trustee Turangawaewae Trust Board – G Raumati [984.7] regarding a definition for Maaori Freehold Land.
- Accept in part submissions from submitters Jackie Colliar [493.23], Waikato-Tainui [286.24], and Trustee Turangawaewae Trust Board – G Raumati [984.8] regarding a definition for Maaori Customary Land.
- Accept in part supporting further submissions from Pareoranga Te Kata [FS1035.87, FS1035.23, FS1035.30 and FS1035.76] for Maaori land definition clarity.
- Accept Waikato District Council [697.493] and amend the definition accordingly.

### Amendments

#### 253. Amend Chapter 13: Definitions

- Amend the definition of Marae: See Definitions of 'Marae Complex' [ 697.513].
- Amend the definition of “Marae Complex” by adding: These facilities provide for cultural events that take place on a marae. [697.399].
- Amend Maaori Freehold Land – Means land determined by the Māori Land Court as being ‘Maaori Freehold Land’, consistent with Section 129(2)(b) of the Te Ture Whenua Maori Act 1993.
- Maaori Customary Land – Means land determined by the Māori Land Court as being ‘Maaori Customary Land’, consistent with Section 129(2)(a) of the Te Ture Whenua Maori Act 1993.
- Amend by removing - Papakainga Housing Development - .....Tangata Whenua group or organisation ~~residing in the Waikato district~~ to support. Traditional....

### S32AA Evaluation

254. The recommended amendments are minor in nature to assist with the understanding of the Plan. Accordingly, no s32AA evaluation has been required to be undertaken.

## Conclusion

255. This report has provided an assessment of submissions received in relation to Chapter 2 – Tangata Whenua and other provisions associated to Maaori owned land and development throughout the PWDP. The aim of the Tangata Whenua chapter is to achieve the obligations as set out in the RMA statutory requirements to recognise and provide for the relationship

of Maaori with their culture and resources. The participation of the submitters has supported this process.

256. I consider that the submissions on this matter should be accepted, accepted in part, or rejected, as set out in my recommendations of each analysis and in Appendix 1 below.
257. I recommend that the provisions in the notified version of Chapter 2 - Tangata Whenua be amended as set out in Appendix 2 below, according to the recommended amendments made in the report.
258. I also recommend that provisions of the Tangata Whenua topics from within the report be amended as set out in Appendix 3 below.

No rei ra

Teena Koutou Katoa.