



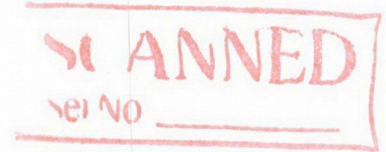
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Sandra Kelly

From: J Colliar <jackie.colliar@gmail.com>
Sent: Tuesday, 9 October 2018 3:49 p.m.
To: DistrictPlan
Subject: Proposed District Plan Submission
Attachments: Jackie Colliar Submission to Proposed Waikato District Plan_Final.docx
Categories: SUBMISSION

Submitter Details: Jackie Colliar, Beneficiary of Taniwha Marae
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I could not gain an advantage in trade competition through this submission
If others have made a similar submission, I will consider presenting a joint case.



SUBMISSION TO PROPOSED WAIKATO DISTRICT PLAN

TANGATA WHENUA SECTION

I support the introduction of a specific Chapter addressing Tangata Whenua concerns, issues and opportunities. It is important that Tangata Whenua issues are not simply addressed in this Tangata Whenua chapter but throughout the proposed plan, to ensure a holistic approach is taken to resource management, consistent with the principles of whakapapa, whanaunatanga, tangata whenuatanga, and kaitiaki. These principles are not simply words on a page to the people of Waikato-Tainui but a way to interact and behave with the environment, by including these principles in the Proposed District Waikato Plan; Waikato District Council is committing to observe and work consistently with these principles.

I would expect that Waikato District Council would be looking to Maatauranga Maaori to remedy adverse effects of development. Maatauranga Maaori is increasingly being used as conditions of resource consents and in the identification of restoration projects as an alternative to engineering solutions. The proposed plan should signal and provide for greater opportunities to utilise Maatauranga Maaori for the benefit of the environment.

There may be future opportunities to develop initiatives and programmes of work where marae and Maaori owned land is better utilised for the benefit of the land owners.

Relief Sought:

- 1. Ensure that the objectives, policies, principles and intent of the Tangata Whenua Chapter is provided for across the plan and how it is implemented.**
- 2. Amend the proposed district plan to allow for greater use of Maatauranga Maaori.**
- 3. Engage 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.**
- 4. Engage with Waikato-Tainui and mana whenua to ensure that respective land development plans and opportunities are adequately provided for in the Waikato District Plan.**
- 5. Integrate the concept of environmental enhancement across the Waikato District Plan including in the Biodiversity Offsetting provisions.**

OUTSTANDING NATURAL FEATURES AND LANDSCAPES AND NATURAL CHARACTER

I support Waikato District Council in their efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes. I also support the efforts to engage experts in this field and with mana whenua. However, I do not support the assessment of, and the non-inclusion of the Waikato River as an Outstanding Natural Features and / or Landscape in its entirety. It is also of concern that no natural character assessment has been undertaken for the Waikato River. I fundamentally think that the Waikato River must be viewed holistically and therefore do not believe that parts of the Waikato River can be cut into sections.

The assessment of the Waikato River as an Outstanding Natural Feature and Landscape is both a historic and contemporary issue. Beyond the rich history of the Waikato River pre and post European settlement, a variety of legislative and policy directions have been developed; that support the identification of the Waikato River as an Outstanding Natural

The proposed plan and maps provide for the Waikato River as an ONF, only from the river Delta to inside the river mouth. I am of the opinion that for numerous reasons, the Waikato River is an Outstanding Natural Feature in its entirety and the reasons for it not attaining regionally significance was based on interpretation and a lack of work on behalf of those researching the cultural significance of the river.

Relief Sought:

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

CONCEPT MANAGEMENT PLANS FOR MAAORI FREEHOLD LAND

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

I seek additional information as to the implementation of the plans. Whilst the introduction of Concept Management Plans and the potential for reduced regulation is positive, I want to ensure that the development of these plans is not overly onerous. I do not want to see individual marae or Maaori freehold land owners required to provide a Concept Management Plan and then still require further resource consents applications to satisfy district plan requirements.

I am of the opinion that the development and process of Concept Management Plans requires greater explanation in the proposed district plan. Whilst I support ease of development on marae and Maaori freehold land, the potential still remains for a lengthy consenting process. Further to this point, I would also seek greater clarification in the proposed plan, as to the application of the plan zoning when a Concept Management Plan is not developed. It is presumed that this means that the underlying zoning will apply, this could create issues for those located in residential and rural zones. I understand that marae and papakainga housing will default to Discretionary Activity status without an approved Concept Management Plan. This would appear to be a restrictive activity status for what could be small scale development.

Aside from the RMA issues around Concept Management Plans, I understand the key benefits being the development of papakainga housing and the ability to futureproof in some situations future land use. This is supported provided additional resource consents are not required to satisfy district plan requirements.

Relief Sought:

- 1. Provide greater clarity as to what information must be provided when developing a Concept Management Plan.**
- 2. Provide further information as to how Concept Management Plans will be implemented as part of a Resource Management Act process.**
- 3. Provide greater clarity as to the application of the plan if a Concept Management Plan is not developed.**
- 4. Amend the proposed plan, to ensure consistency of wording in the rural and residential zones, in relation to the approval process for a Concept Management Plan.**
- 5. Provide greater clarity as to who resources the development of Concept Management Plans and what council information and assistance will be provided to marae and /or trusts.**
- 6. Provide for the most enabling provisions possible to facilitate the development of marae and papakainga through-out the district.**

MAAORI LAND

I consider a more effective and efficient method of providing for the use and development of Maaori land in accordance with maatauranga and tikanga is by way of a district-wide Maaori land chapter. This would provide; specific objectives and policy framework, a wider range of activities relevant to Maaori land, such as urupaa and koohanga (could be specifically identified rather than just covered under the definition of Marae Complex) and this chapter would apply district wide and ensure the benefits are not limited to certain zones. The use of the proposed Concept Management Plans could provide for Permitted Activities, should the clarification of the Concept Management Plans sought from this submission occur.

In addition to the practical benefits, this would ensure that the Tangata Whenua Chapter as notified is brought through the entire plan, not simply a heading at the beginning of the proposed plan. This approach has been successfully implemented in the Auckland Unitary Plan.

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

Relief Sought:

1. **AMEND** the proposed district plan to provide for a new district-wide Maaori land chapter.
2. **AMEND** the definition Marae Complex to read: *Means a group of buildings that constitutes a marae and can be made up of a wharenuui (meeting house), wharekai (eating house), an aatea (courtyard area in front of the wharenuui), urupaa (graveyard), tuaahu (sacred place for ritual practices), waharoa (archway entrance at the entrance to the aatea), and other buildings, (church, hauora (health clinic), koohanga (pre-school), conference centre and facilities, waananga (education facility), recreation facilities, places of cultural significance, a papakaainga/papakaainga building and utility services.*
3. **AMEND** the definition of Maaori Freehold Land within Chapter 13 to ensure consistency with section 129(2)(b) of the Te Ture Whenua Maaori Act 1993.
4. **AMEND** the definition of Maaori Customary Land within Chapter 13 to ensure consistency with section 129(2)(a) of the Te Ture Whenua Maaori Act 1993.

STRUCTURE PLANS

I am pleased to see that structure plans were referenced in various parts of the proposed district plan, however there appears to be an absence of structure plans when attempting to locate them in the plan. I understand a 'Blueprinting' exercise is currently underway and will provide the basis for any future structure plans. Whilst I support this initiative, especially considering the growth challenges that the district faces in the north; I consider that the timing of this process is unfortunate and would have been more effective if the process had been undertaken pre the notification of the is proposed district plan. Our concern is the Blueprinting exercise and potential structure plans will require plan change processes to implement as part of the district plan. Locations such as Huntly, Mercer and Pokeno are in need of high-level planning assessment and it is disappointing that resource and time be required to get these guiding plans part of the district plan.

I am also of the opinion that any structure plans or Blueprinting exercises should recognise Waikato-Tainui tikanga and Maatauranga Maaori, to reflect the districts rich Maaori heritage.

Relief Sought:

- 1. The district plan review process be PUT ON HOLD so that the outcomes of the blueprinting exercise can be accommodated in the District Plan, including the development of structure plans.**
- 2. The blueprint and structure plan processes should recognise tikanga and Maatauranga Maaori.**

EARTHWORKS AND THE WAIKATO RIVER

The proposed Waikato District Plan provides for Earthworks in specific zones. Our concern is the earthworks setbacks do not adequately protect water ways and fail to be consistent with the notified Proposed Plan Change 1 to the Waikato Regional Plan. This plan change process, triggered by the need to give effect to the Vision and Strategy for the Waikato River, requires a minimum set back of 5m from a waterway (for cropping only) to be considered a permitted activity. The Proposed Waikato District Plan allows for a 1.5m setback in the residential zone and appears to have no setbacks at all for earthworks in the rural zone.

I do not believe that this lack of setback for earthworks from a waterway is appropriate and has failed to have regard to the Vision and Strategy for the Waikato River and the Waikato-

Tainui Environmental Plan. As a minimum it would be anticipated that the Proposed District Plan change would be consistent with Proposed Plan Change 1 to the Waikato Regional Plan.

Relief sought:

1. **Amend the proposed Waikato District Plan to provide setbacks from waterways that are consistent with Proposed Plan Change 1 to the Waikato Regional Council and gives effect to the Vision and Strategy for the Waikato River and the Waikato-Tainui Environmental Plan**

PROTECTING AREAS OF SIGNIFICANCE TO MAAORI

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

Relief sought:

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

INDIGENOUS BIODIVERSITY

The Proposed Waikato District Plan provides for the clearance of indigenous vegetation (both within identified significant natural areas and outside of significant natural areas) on Maaori Freehold Land or Maaori Customary Land for the purpose of a Marae complex (1500m²), dwellings (500m² per dwelling) and a papkaainga building (500m²), as a permitted activity. If provisions cannot be complied with then a resource consent for a discretionary activity (clearance of indigenous vegetation within a significant natural area) or restricted discretionary activity (clearance of indigenous vegetation outside of a significant natural area) is required. However, it appears that earthworks within significant natural areas and associated with Marae, papakainga and dwellings are not afforded the same permitted status as vegetation clearance, they would be a restricted discretionary activity. Only the maintenance of existing tracks, fences or drains are permitted within certain parameters. There seems little point in providing for a permitted indigenous vegetation clearance for these activities but then requiring a resource consent for any earthworks. As currently

drafted a resource consent for a restricted discretionary activity would potentially need to be obtained to establish building platforms and access.

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

Relief sought:

- 1. Retain the activity status and clearance thresholds for indigenous vegetation clearance for Marae, dwellings and papakaainga on Maaori Freehold Land or Maaori Customary Land.**
- 2. Provide for earthworks in significant natural areas that are for the establishment of Marae, papakaainga, dwellings and associated access, parking and manoeuvring as a permitted activity.**

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

LOW IMPACT DESIGN

I seek that the proposed district plan utilise Low Impact Design in all new developments.

Relief sought:

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

LIVE ZONING

The Proposed Waikato District Plan 'live zones' or assigns Residential Zoning to areas of land that were previously Rural Zoned/ Future Urban/ Deferred Zones. For most of this land there is uncertainty around infrastructure timing and funding and structure planning is yet to be undertaken. Given the wastewater issues that the WDC currently have and are facing in

the future, it seems almost impossible that WDC infrastructure will be able to cope with the live zoning of the district.

I am concerned that live zoning will create an expectation, that the Waikato River will be absorb greater volumes of wastewater and stormwater discharge, an expectation that is contrary to and does not give effect to the Vision and Strategy for the Waikato River. I strongly oppose this proposition and believe deferred zoning is required in most if not all locations that cannot be catered for through existing infrastructure.

Relief sought:

- 1. AMEND the proposed District Plan to re instate deferred zoning to a point in time when WDC have clarity around their infrastructure and how the areas will be serviced.**

INFRASTRUCTURE AND ENERGY

Chapter 14 Infrastructure and Energy states in the first paragraph that the zone chapters and their associated overlays, objectives, policies and rules do not apply to infrastructure and energy activities unless specifically referred to within the Infrastructure and Energy Chapter. In other words, Chapter 14 is largely designed to be self-contained and standalone.

I seek clarity as to what activity status and provisions would apply to infrastructure and energy activities proposed on Maaori Areas of Significance or Maaori Sites of Significance. Throughout the Chapter the terminology 'identified areas' is used. This term is not defined in Chapter 13 Definitions and therefore it is unclear if this is intended to capture Maaori Areas of Significance or Maaori Sites of Significance.

Without clear provisions regarding infrastructure and energy activities in Maaori Areas of Significance or Maaori Sites of Significance there is a risk that these areas and sites may be adversely effected by activities with very few checks and balances in place. It is important to note that not all Areas of Significance to mana whenua are listed or public knowledge, this is well understood by all parties.

Relief sought:

- 1. Amend Chapter 14 to provide clear provisions to manage the effects of infrastructure and energy activities on Maaori Areas of Significance and Maaori**

Sites of Significance. This may include making amendments to the activity status, rules and defining terms such as 'identified areas'.

NATURAL HAZARDS

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

Relief sought:

- 1. WITHDRAW or PLACE ON HOLD the Proposed Waikato District Plan Review Process to allow for the Hazards Chapter to be developed, integrated and considered as part of a thorough district plan review process.**

INTERGRATED CATCHMENT MANAGEMENT PLANNING

I would like to see, Integrated catchment management planning used as a tool to help manage the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner, particularly in urban centres. Water Impact Assessments should also be used as a tool to assess and ensure Three Waters integration at a more detailed level.

Relief sought:

- 1. Include Integrated catchment management planning in the District Plan as a method of sustainably managing land development and Three waters infrastructure.**