

Proposed Waitomo District Plan

SUBMISSION FORM



Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

15 Queen Street, Te Kuiti 3910
PO Box 404, Te Kuiti 3941 0800 932 4357
districtplan@waitomo.govt.nz
www.waitomo.govt.nz

Closing date for submissions: 12pm on 23 December 2022

SUBMITTER DETAILS: (please note that the (*) are required fields and must be completed)

Name of submitter: * Sheryl Paekau (Responsible Trustee) as identified on attached document	
Contact person for communications: * Sheryl Paekau	
Agent (if applicable): n/a	
Postal address: * 2 Hakarimata Rd, Ngaruawahia 3720	
Suburb:	Town/City: * Ngaruawahia
Country:	Postal code: * 3720
Daytime phone:	Mobile: 0210835 7117
Email address for submitter: * sawpaekau@gmail.com	
Email address for agent (if applicable):	
Please tick your preferred method of contact *	
<input checked="" type="checkbox"/> Email	<input type="checkbox"/> Postal
Correspondence to *	
<input checked="" type="checkbox"/> Submitter	<input type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects: *	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.	
Note to person making submission: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.	
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):	
<ul style="list-style-type: none">• it is frivolous or vexatious;• it discloses no reasonable or relevant case;• it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;• it contains offensive language;• it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If others make a similar submission I will consider presenting a joint case with them at the hearing.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No



Submission # Customer # Property #

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

(A signature is not required if you make your submission by electronic means)

Robbe

Signed: _____ Date: _____

Reasons	What decision are you seeking from Council?	Do you: • Support? • Oppose? • Amend?	The specific provisions of the proposal that my submission relates to e.g. provision number, map number
e.g. It will help to reduce adverse effects between activities and ensure resources are used efficiently	e.g. Retain Objective SD-05	e.g. Support	e.g. SD-05
<i>See attached Document for provisions and reasons</i>			

Please complete a line for every submission point, adding as many additional lines as you need:

Submission to the Notified Waitomo Proposed District Plan

15 December 2022

Rau Rangatira o Te Kaunihera o Waitomo

Ngaa mihi nui kia koutou katoa

Ko Waikato me Ngaati Maniapoto ooku iwi

Ko Ngaati Tamainupo, Ngaati Rora, Ngaati Kinohaku, Ngaati Rarua ahau

Ko Oparure, me Tokanganui-a-Noho ngaa marae

Ko Eketone, raua ko Joseph, Atutahi, Hall ooku tupuna

Ko Sheryl (Atutahi) Paekau taaku ingoa

No Ngaruawahia taaku Kainga.

Congratulations on the notified Waitomo Proposed District and thank you for the opportunity to make submission to the Proposed District Plan.

My interest is in the Area Specific Matters Part 3 and Part 4 Maps

1. Maaori Purpose Zones & Maps – SUPPORT IN PART

These appear to be based around Marae in the Waitomo District. **I support in part** the provision for Marae purpose living around the marae because this is the central focus for hapuu community whanauora. Papakaainga is a welcomed provision close to the Marae. The provisions for the Marae complex are enabling to support the relationship of Maaori and their culture and traditions with their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. (RMA s6e)

It is a welcome provision for the Marae to provide rental accommodation to families and kaumatua and their process may provide home ownership on a lease basis.

However, I believe the Draft Waitomo Plan can go further to enable the development of Maaori Freehold land (ancestral lands) inherited by whakapapa, that will better give effect to section 6 of the RMA.

Although the mapping/zoning of Maaori Purpose Zones may have some benefit to Mana whenua who are associated with that marae and surrounding areas (particularly if the land is under general title), the Waitomo District Plan should recognise Maaori freehold land through a rule framework and not zoning. This approach would be more beneficial for Mana whenua and the development of Maaori land.

2. General Zone Provisions made for Papakaainga – SUPPORT IN PART

I support the provisions in part that are made for the ability to now have papakaainga on rural Maaori land GRUZ and also in areas identified in Residential and Settlement zones. However, I find it very limiting to enable whanau /Maaori land shareholders to be able to meet their aspirations of returning to their ancestral land (s6(e), perhaps as whanau groups and share their resources. Some Maaori land blocks are quite large in size and have multiple owners. The current Operative Plan offers one house per Certificate of Title, the Proposed District plan will offer houses for 6 families. Even though papakaainga and Co-housing are being treated the same this is not enabling enough to provide for Maaori to use their land under its complex administration and governance provisions. It is still “a throw the dice choice” for families in something they all want to have a part in a plan for the future and for their mokopuna on their whenua which they whakapapa to. Under the Te Ture Whenua Maaori Act individual land blocks are allocated to whanau who have descended from an original Tupuna.

In the Waitomo region my great grandparents had the opportunity to build a pakeha family home and they had members succeed to the homes. (This is the same opportunity as pakeha1 house per Certificate Title, however Maaori land tenure is not the same). Three generations have past, my grandparents, my parents and myself have been alienated from the land because of succession of multiple-ownership. Today my children and their cousins will once again not be able to live on the land. There are too many of us. Do we draw straws to be one of the 6 from all the family lines. (my maternal grandparents had 13 children, my paternal grandparents had 9 children and the generations have multiplied since then).

My suggestion for the District Plan would be to have its own provisions for Maaori land because it has its own complexities administered under the Maaori Land Court and to let the Maaori landowners decide how many houses they need for their shareholders and not limit it to just 6. In order to get whanau back to the land and use the land sustainably, it is important that provisions within the district plan for Maaori land are more enabling. I would like to see the restriction on the number of houses removed from the provisions for Maaori land. This would also be a more effective and efficient way to give effect to section 6. We live in times of change, knowledge, opportunity and community growth. Maaori tikanga, kawa, taiao and matauranga are being incorporated into district plans and the environment spaces, why can we not be afforded the opportunity to use our knowledge in developing our lands to sustain our own people. Alienation has been for 3 generations, (150 years), I hope conversations to support enabling papakaainga housing does not take another generation to achieve good outcomes.

I would also like to see a more economic consideration for maaori land within the provisions as well, whether this be a cultural type business for example carving, kohanga reo, kaumatua flats, raranga, Rongoa, mara kai etc, or consideration of a consented business that will support the sustainability of whanau returning to their whenua.

Families would also like to provide a facility within the papakaainga for whanau who are unable to go home to build on the land but would like to come home and spend temporary time with the whanau, for example, whanau who do not have enough shares in the land that enable them enough area for the building of a house. This could be done by including provision for a papakaainga building for communal use, that may include centralised facilities such as food preparation, dining, conference hui, cultural facilities, sanitary facilities, and accommodation.

Whanau do not always meet at the marae but do try to accommodate situations where they can live, play, learn together and build their own cultural, spiritual and economic capacity.

Mana Whenua have many barriers to overcome to achieve their aspirations of returning to their land and District plan rules are one of the barriers that inhibits their process.

The Waikato District Council Proposed Plan

The Waikato Proposed District Plan has provisions under Maaori land for Maaori Freehold land, Treaty Settlement land (which came back as General Land) is treated the same if used for Maaori land purpose benefits. I suggest that Waitomo consider these provisions. Waikato District Council have provided forward thinking for whenua Maaori development and have truly provided to enable Maaori to sustainably plan for their whanau aspirations.

Part 2: District-wide matters / Historical and cultural values / ML – Maaori land Proposed Waikato District Plan – Appeals Version 8 August 2022

ML-P2 Non-regulatory policies. {CONSQ}

- (1) Council will work with iwi, hapuu and whaanau to encourage and support the comprehensive, co-ordinated and efficient development of Maaori land.
- (2) Alongside partner agencies, Council will support and promote the use of best practice guidance and toolkits for Maaori housing, including Te Kete Paaraha Mo Nga Papakaainga Ki Waikato: Waikato Maaori Housing Toolkit, to assist iwi and hapuu in the development of Maaori land.

Rules

- (1) The rules that apply to Maaori Land are:
 - (a) Land use – activity rule ML-R1 to ML-R5;
 - (b) Land use – activity rules of the underlying zone, excluding the following:
 - (i) Home business; and
 - (ii) Commercial activity where the activity status is non-complying
 - (c) Land use – effects rules of the underlying zone.
 - (d) Land use – building rules of the underlying zone, excluding the following:
 - (i) Number of residential units;
 - (ii) Minor residential unit rules;
 - (iii) Buildings and structures in Landscape and Natural Character Areas;
 - (iv) Building height; and
 - (v) Building coverage.

(2) The following activities from Part 2 – District-wide matters do not apply to activities on Maaori Land:

- (i) Rule WWS-R15 (Outfall structures located within an Identified Area);
- (ii) Rule TRPT-R1(1)(a)(ix) (Vehicle access for all activities);
- (iii) Rule TRPT-R2(1)(a)(v) (On-site parking and loading);
- (iv) Rule TRPT-R2(1)(a)(vi) (On-site parking and loading);
- (v) Rule TRPT-R2(1)(a)(x) (On-site parking and loading); and,
- vi) Rule TRPT-R3(1)(a)(vii) (On-site manoeuvring and queuing).]

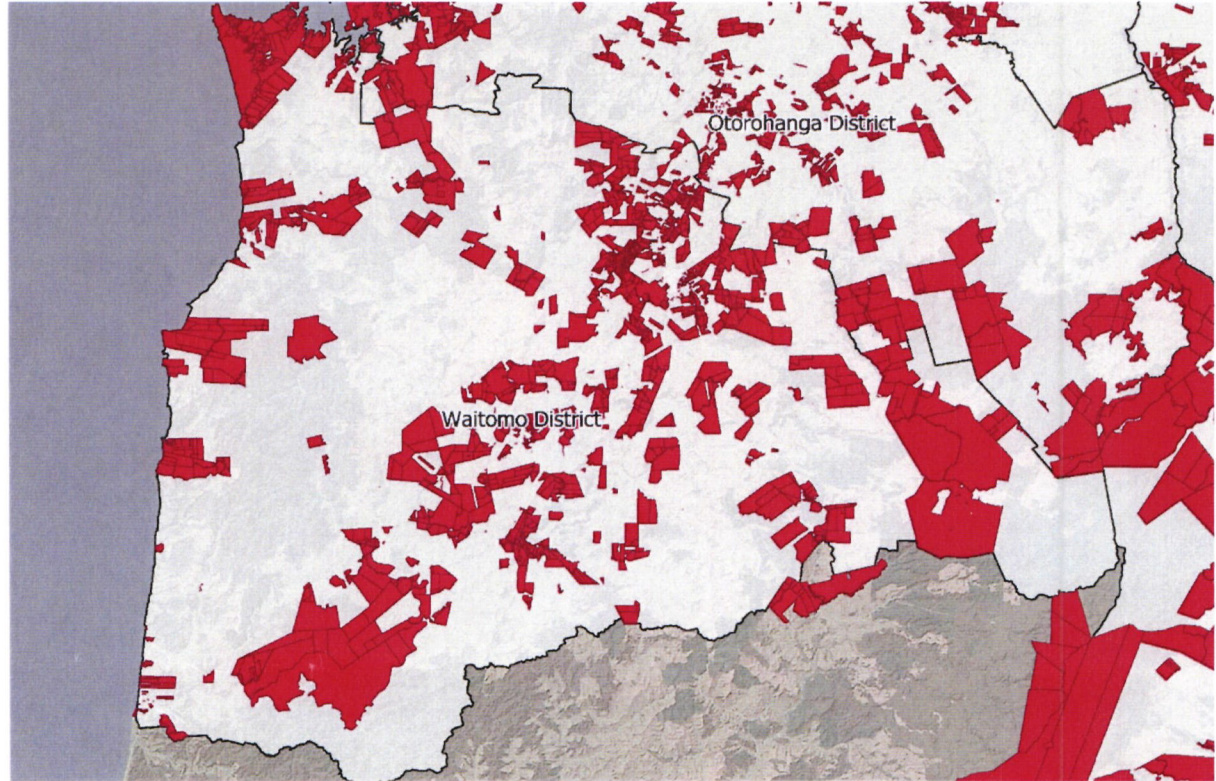
RMA Section 6:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

Section 6(e)

“the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga”

WAITOMO has so much Maaori land that could or maybe utilised. It is the hope of our whanau that we maybe able to utilise our lands in time as we build our own capacity.



What decisions am I seeking from the Council?

1. **RETAIN**- the provisions to provide papakaainga development around each Marae in the Residential, Settlement and General Rural zones, however, I want to see the recognition of Maaori freehold land and Treaty Settlement Land (General Land used for Maaori purpose) rather than a zoning approach.

2. **AMEND** the plan to enable the development of Maaori Freehold land (ancestral lands) inherited by whakapapa, that will better give effect to section 6 Matters of the RMA.

3. **AMEND** the Waitomo Draft Proposed District Plan to include the same approach that has been adopted by Waikato District Council in the Appeals Version of the Proposed District Plan for Maaori Land (which includes Maaori Freehold Land and Treaty Settlement Land. (see above rule framework above).

Thank you for this opportunity to provide a submission.

No rei raa

Sheryl (Atutahi) Paekau



Responsible Trustee

On behalf of:

Te Huia Hurimaunga Atutahi Whanau Trust

Te Riutoto Stafford Whanau Trust and

Kinohaku West EE1 Ahu Whenua Trust