

Proposed Waitomo District Plan SUBMISSION FORM



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

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Closing date for submissions: 12pm on 23 December 2022

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

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Please tick your preferred method of contact *	Correspondence to *
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	<input type="checkbox"/> Submitter <input type="checkbox"/> Agent <input checked="" 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	

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

<p>The specific provisions of the proposal that my submission relates to e.g provision number, map number</p>	<p>Do you:</p> <ul style="list-style-type: none"> • Support? • Oppose? • Amend? 	<p>What decision are you seeking from Council?</p> <p>What action would you like:</p> <ul style="list-style-type: none"> • Retain? • Amend? • Add? • Delete? 	<p>Reasons</p>
<i>e.g SD-05</i>	<i>e.g Support</i>	<i>e.g Retain Objective SD-05</i>	<i>e.g It will help to reduce adverse effects between activities and ensure resources are used efficiently</i>
See attached table for submission points		See attached table for submission points	See attached table for submission points

Signed:  Date: 22 December 2022

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

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.

Submission #	Customer #	Property #
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Provision/s	Position	Action	Reasons
PART 1 – INTRODUCTION AND GENERAL / MANA WHENUA / 15. Mana whenua	Support	RETAIN Mana whenua chapter.	Acknowledges aspirations of Mana whenua.
PART 1 – INTRODUCTION AND GENERAL / MANA WHENUA / 15. Mana whenua / Recognition of Iwi and Hapū	Support in part	ADD in the Recognition of Iwi and Hapū section the following words: <u>Council recognises that, as Treaty claims are settled, there may be other iwi authorities who wish to be recognised within the Waikato District.</u>	Provides appropriate recognition for other authorities not specifically referenced in the plan and reduces the need for future plan changes to include such recognition. Recognises that consultation and engagement is not limited to those explicitly listed.
PART 1 – INTRODUCTION AND GENERAL / MANA WHENUA / 15. Mana whenua / Engagement and Consultation with Mana Whenua	Support in part	ADD in the Engagement and Consultation with Mana Whenua section the following words: <u>Council recognises that, as Treaty claims are settled, there may be other iwi authorities who wish to be recognised within the Waikato District.</u>	Provides appropriate recognition for other authorities not specifically referenced in the plan and reduces the need for future plan changes to include such recognition. Recognises that consultation and engagement is not limited to those explicitly listed.
PART 1 – INTRODUCTION AND GENERAL / MANA WHENUA / 15. Mana whenua / Hapū and Iwi Planning Documents	Support in part	ADD in the Hapū and Iwi Planning Documents section the following words: <u>Several other Hapū and Iwi planning documents are also in the process of being prepared, should a plan be published, it will be added to the Waitomo District Council website.</u>	Provides appropriate recognition for other Hapū and Iwi planning documents not specifically referenced in the plan and reduces the need for future plan changes to include consideration of newly prepared documents.
PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / 16. Strategic direction, urban form and development – SD	Support	RETAIN strategic directions.	Acknowledges aspirations of Mana whenua and obligations under Te Tiriti o Waitangi.
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / 25. Sites and areas of significance to Māori – SASM / Objectives and policies	Support	RETAIN objectives and policies.	Support the recognition and protection of sites identified as a SASM.

PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / 25. Sites and areas of significance to Māori – SASM / SASM-R7	Oppose in part	AMEND SASM-R7 to remove cultivation as a permitted activity under minor earthworks and provide for it as a restricted discretionary activity.	Cultivation is specifically excluded from the National Planning Standards definition of earthworks and is not considered to be appropriate under “minor earthworks” as it has the potential to be more destructive.		
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / 25. Sites and areas of significance to Māori – SASM / Advice note	Support	RETAIN Accidental discovery protocol advice note to include notification of relevant Mana whenua.	Support the need for Mana whenua to be notified.		
PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / 33. Earthworks – EW / EW - Table 1 - Activities Rules	Support	RETAIN exclusion of earthworks provisions for SASM.	Support the exclusion of SASMs from general earthworks rules.		
PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / 35. Hapori whānui (Provisions for community wellbeing, safety and amenity) - HW / HW-R1, HW-R5, HW-R11	Support	RETAIN provisions which provide for customary cultural activities as permitted activities.	Support providing for customary cultural activities and gives effect to section 6 Matters of the RMA.		
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES	Support	RETAIN existing chapters to recognise and protect historical and cultural values.	Gives effect to section 6 Matters of the RMA.		
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / MV – Māori values and Mātauranga Māori / MV-R1	Support	AMEND the Plan to include the same approach that has been adopted by Waikato District Council in the Appeals Version of the Proposed Waikato District Plan for Māori values and Mātauranga Māori AND include the MV-R1, as follows: <table border="1" data-bbox="750 1161 1512 1398"> <tr> <td><u>MV-R1</u></td> <td><u>(1) All discretionary and noncomplying activities in Part 2 wide matters and Part 3 – Area-specific matters sections of this Plan must address:</u> <u>(a) The effects on values held by mana whenua and the appropriateness to mana</u></td> </tr> </table>	<u>MV-R1</u>	<u>(1) All discretionary and noncomplying activities in Part 2 wide matters and Part 3 – Area-specific matters sections of this Plan must address:</u> <u>(a) The effects on values held by mana whenua and the appropriateness to mana</u>	Provides recognition of iwi planning documents and consideration of mātauranga Māori. Attached as part of this submission. Supports a consistent approach and application across the region.
<u>MV-R1</u>	<u>(1) All discretionary and noncomplying activities in Part 2 wide matters and Part 3 – Area-specific matters sections of this Plan must address:</u> <u>(a) The effects on values held by mana whenua and the appropriateness to mana</u>				

			<u>whenua of any avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments and any relevant iwi planning document.</u>	
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / TETW – Te Ture Whaimana – Vision and Strategy	Support	AMEND the Plan to include the same approach that has been adopted by Waikato District Council in the Appeals Version of the Proposed Waikato District Plan for Te Ture Whaimana.		Provides better recognition for Te Ture Whaimana. Attached as part of this submission. Supports a consistent approach and application across the region.
PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / ML – Māori owned land	Support	AMEND the Plan to include the same approach that has been adopted by Waikato District Council in the Appeals Version of the Proposed Waikato District Plan for Māori owned land (which includes Māori Freehold Land and Treaty Settlement Land).		Provides for the development of Māori owned land to support Mana whenua aspirations. The Waikato Proposed District Plan has provisions for Māori Freehold land and Treaty Settlement land (which came back as General Land) to be treated the same. Waikato District Council have provided forward thinking for whenua Māori development and have provisions to enable Māori to sustainably plan for their whānau aspirations. Supports a consistent approach and application across the region. ML chapter has been included with this submission. Although the mapping/zoning of Māori 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 Māori freehold land through a rule framework and not zoning. This approach would be more beneficial for Mana whenua and the development of Māori owned land.

<p>PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / ML – Māori owned land</p>	<p>Support</p>	<p>AMEND the Plan to enable the development of Māori Freehold land (ancestral lands) inherited by whakapapa.</p>	<p>Give effect to section 6 Matters of the RMA. A zoning approach does not provide for development at the same level as general users. Provides for the development of Māori owned land to support Mana whenua aspirations. The Waikato Proposed District Plan has provisions for Māori Freehold land and Treaty Settlement land (which came back as General Land) to be treated the same. Waikato District Council have provided forward thinking for whenua Māori development and have provisions to enable Māori to sustainably plan for their whānau aspirations. Supports a consistent approach and application across the region. Although the mapping/zoning of Māori 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 Māori freehold land through a rule framework and not zoning. This approach would be more beneficial for Mana whenua and the development of Māori owned land.</p>
<p>PART 2 – DISTRICT-WIDE MATTERS / HISTORICAL AND CULTURAL VALUES / ML – Māori owned land</p>		<p>AMEND the plan to include provisions that enable development on Māori freehold land and Treaty Settlement Land (General Land used for Māori purpose).</p>	<p>Give effect to section 6 Matters of the RMA. A zoning approach does not provide for development at the same level as general users. Provides for the development of Māori owned land to support Mana whenua aspirations. The Waikato Proposed District Plan has provisions for Māori Freehold land and Treaty Settlement land (which came back</p>

			as General Land) is treated the same. Waikato District Council have provided forward thinking for whenua Māori development and have provisions to enable Māori to sustainably plan for their whānau aspirations. Supports a consistent approach and application across the region. Although the mapping/zoning of Māori 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 Māori freehold land through a rule framework and not zoning. This approach would be more beneficial for Mana whenua and the development of Māori owned land.
PLAN WIDE	Support	RETAIN provisions to provide for papakainga development on Māori owned land in all zones.	Gives effect to section 6 Matters of the RMA.
PLAN WIDE	Oppose in part	DELETE provisions that restrict the number of residential units able to be developed on Māori owned land.	Recognises the complexities administered under the Māori land Court and to let Māori landowners decide how many houses they need for their shareholders without additional limitations. It is important that provisions within the district plan for Māori owned land are more enabling. This would also be a more effective and efficient way to give effect to section 6 of the RMA.
PLAN WIDE	Support	RETAIN provisions to provide for home businesses on Māori owned land in all zones.	Gives effect to section 6 Matters of the RMA.
PART 3 – AREA-SPECIFIC MATTERS / ZONES PRECINCTS / Special purpose / 51. Māori purpose zone - MPZ	Support in part	RETAIN intent of the MPZ zone in providing for the development of Māori owned land and supporting Mana whenua aspirations.	Provides for the development of Māori owned land to support Mana whenua aspirations. Although the mapping/zoning of

			Māori 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 Māori freehold land through a rule framework and not zoning. This approach would be more beneficial for Mana whenua and the development of Māori owned land.
PART 3 – AREA-SPECIFIC MATTERS / ZONES PRECINCTS / Special purpose / 54. Te Maika Precinct – PREC7	Support in part	RETAIN intent of PREC7 in supporting Mana whenua aspirations.	Provides for the development of Māori owned land to support Mana whenua aspirations.

ML – Maaori land

The relevant area specific zone chapter provisions apply in addition to this chapter.

Overview

Understanding Maaori land tenure

- (1) Land in Aotearoa was governed and managed by hapuu in accordance with tikanga. This customary regime was profoundly changed in 1840 with the British Crown's assumption of sovereignty and the introduction of the doctrine of tenure and estates. The Crown became the sole body able to deal with Maaori regarding land. Following Te Riri Paakehaa (the New Zealand land wars), the government confiscated millions of acres of land from hapuu and iwi in the Waikato under the New Zealand Settlements Act 1863. Thousands of acres were returned via a Compensation Court. This land was no longer customary land. It had been converted into a freehold title. The Native Land Court was also established in the 1860s. One of the Court's primary tasks was to determine the nature of the Maaori customary interest in any land and to convert that interest into a fee simple interest which settlers could then directly purchase from those Maaori to whom it has been awarded. This land is now known as Maaori Freehold Land. As a result of Native Land Court determinations for generations that, on intestacy, interests were to be distributed equally among the children of the deceased, land interests have become fragmented. The combined impact of confiscation and the Native Land Court regime took from Maaori the land necessary to sustain their people. Other laws, such as Public Works legislation, also contributed to alienation of land. Today, approximately 5.5% of the land mass in Aotearoa New Zealand is Maaori Land that comes under the jurisdiction of Te Ture Whenua Maaori 1993. That includes some 5% of the land in Waikato District. Individualisation and extreme fragmentation continue to impede efforts of Maaori landowners to utilise and develop their land. This plan incorporates specific objectives, policies and rules and methods that are intended to enable utilisation and development.
- (2) Section 2 of Te Ture Whenua Maaori Act 1993 (Te Ture Whenua) directs that the powers, duties and discretions conferred by Te Ture Whenua are to be exercised in a manner that facilitates and promotes the retention, use, development and control of Maaori land as a taonga tuku iho. In light of the legislative history summarised above, and the designation of Maaori land as a taonga tuku iho, Te Ture Whenua imposes restraints on further alienation of land. The Maaori Land Court has jurisdiction to do such things as set aside land as a Maaori Reservation, to establish trusts, to grant occupation orders, and to grant orders for partition. It is common for the Court to request a Concept Management Plan or a Land Plan and comments from the Council as part of its deliberations).

Te Ture Whenua

Maaori reservations

- (3) Under section 338, a Maaori Reservation may be created from Maaori Freehold Land or General Land for:
 - (a) "...the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, church site, building site, burial ground, landing

place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, or place of culture cultural, historical, or scenic interest, or for any other specified purpose;” or

- (b) for “a waahi tapu, being a place of special significance according to tikanga Maori”.

It is not necessary for a Maaori Reservation to include a marae and section 338 is broad enough to include a hauora, or health facility.

Trusts and incorporations

- (4) In light of difficulties associated with multiple ownership, Trusts and Incorporations are useful for managing blocks of Maaori Freehold Land or General Land. The Ahu Whenua Trust is the most common form of trust used for commercial purposes. Under section 215, an Ahu Whenua Trust may be formed where the Court is satisfied that the trust would “promote and facilitate the use and administration of the land in the interests of the persons beneficially entitled”. Other forms of trust that can be established under Te Ture Whenua that may be used to manage land include Whaanau Trusts and Whenua Toopu Trusts. The Court is required to set out the terms of any trust by Court order. The Trust Order would also identify the purposes of the Trust. Incorporations are another popular model for managing Maaori land. Incorporations are administered by management committees elected by shareholders, who work to a constitution set down by the Maaori Incorporations Constitutions Regulations 1994. A land plan or concept management plan can be useful as a planning tool to assist trustees and committee members fulfil their responsibilities, such as allocating licences to occupy land.

Occupation orders

- (5) Under Part 15, the Maaori Land Court may make an Occupation Order over Maaori Freehold Land or General Land. Where there is a Trust or Incorporation in place, the Court must not make an Occupation Order without the consent of the trustees or the Incorporation.

Integrated development of Maaori Freehold Land

- (6) The integrated and comprehensive management of Maaori land is promoted through a range of methods outside of the regulatory framework of the District Plan. Council has been actively leading the promotion of integrated planning of Papakainga housing development with Te Puni Kookiri and a range of supporting agencies including Waikato Regional Council. This commenced with the development of the Papakainga Maaori Housing Toolkit in 2013, developed to assist landowners in their aspirations to return to their whenua. This toolkit includes the development of concept plans.

Treaty Settlement Land

- (7) As part of Treaty Settlements, claimant groups such as iwi and hapuu receive an acknowledgement and apology by the Crown for its past actions and omissions, particularly in relation to confiscation, the Native Land Court regime and other legislation that led to Maaori being dispossessed of their land. Through settlement processes, post-settlement governance entities are established to receive cultural and commercial redress. The return of land is an integral form of both cultural and

commercial redress. With a few exceptions, claimants choose to have their redress land returned to them as General Land, rather than Maaori Freehold Land. The 1995 Waikato Raupatu Settlement created a unique form of inalienable title known as Pootatau Te Wherowhero title. Some of Waikato-Tainui's land is held in this title. For the purposes of this plan, land returned via a Treaty settlement is called Treaty Settlement Land. In this plan, Maaori land encompasses both Treaty Settlement Land and land that comes under Te Ture Whenua. Given the historical context set out above, it is an aim of this plan to remove any undue barriers for Maaori to utilise, manage and enjoy their land. To this end, the plan provides permitted activity status for particular uses and administration of Maaori Land.

Objectives

- ML-OI Whenuatanga (land management). **{CONSQ}**
- Tangata Whenua have the ability to utilise, manage and enjoy Maaori land in accordance with tikanga Maaori, including maatauranga Maaori.

Policies

- ML-PI Tangata whenuatanga (utilisation by landowners). **{CONSQ}**
- (1) Tangata Whenua are enabled to sustainably manage their lands and resources in accordance with their cultural preferences and aspirations.
- (2) Tangata whenua are enabled to sustainably use and develop Maaori Land, through a range of uses in accordance with tikanga and maatauranga Maaori, including:
- (a) Marae and associated facilities;
 - (b) Papakaainga housing development;
 - (c) Papakaainga buildings;
 - (d) Cultural events;
 - (e) Urupaa;
 - (f) Tuaahu;
 - (g) Waharoa;
 - (h) Church;
 - (i) Hauora;
 - (j) Koohanganga;
 - (k) Conference centre and facilities;
 - (l) Waananga;
 - (m) Recreation facilities; and,
 - (n) Papa taakaro.
- (3) Commercial activity is provided for in a way and at a scale that supports the occupation, development and use of Maaori land and meets the needs of Tangata Whenua, whilst complementing or supporting the role of business town centres in the District.

Non-regulatory policies

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).]

Land use – activities

ML-R1	Maaori purpose activity {CONSQ}	
Maaori Land across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Building height does not exceed 7.5m in any of the following areas: <ul style="list-style-type: none"> (i) Outstanding Natural Landscape; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The adverse visual and amenity effects from any building or

	<p>(ii) Outstanding Natural Feature; (iii) Outstanding Natural Character Area of the coastal environment; (iv) High Natural Character Area of the coastal environment;</p> <p>(b) For residential units: (i) Where the underlying zone would otherwise require an outdoor living space, and compliance with that cannot be achieved, a communal living court of at least 24m² per residential unit shall be provided. (ii) Where the underlying zone would otherwise require a service court, and compliance with that cannot be achieved, a communal service court of at least 3m² per residential unit shall be provided at ground floor.</p>	<p>structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated;</p> <p>(b) In regards to outdoor living spaces: (i) The extent to which the space is useable to the occupiers; (ii) Access to sunlight; (iii) Privacy of adjoining residential sites; and, (iv) Accessibility to and convenience of the space for occupiers;</p> <p>(c) In regards to service courts: (i) The convenience and accessibility of the spaces for building occupiers; (ii) The adequacy of the space to meet the expected requirements of building occupiers; and, (iii) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</p>
ML-R2	Home business {CONSQ}	
Maaori Land across all zones	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) There is only one home business per residential unit; (b) Each home business does not occupy more than 100m²; (c) Is wholly contained within a building; (d) No more than two people who are not permanent residents of the site are employed at any one time per home occupation; (e) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day; and, (f) Machinery is only operated after 7:30am and up to 7:00pm on any day.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The adverse visual and amenity effects from any building or structure on the attributes of the identified landscape or natural character area are avoided, remedied or mitigated.</p>
ML-R3	Visitor accommodation at Riria Kereopa Drive {CONSQ}	

Maaori Land across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
ML-R4	Commercial activity at Riria Kereopa Drive {CONSQ}	
Maaori Land across all zones	(1) Activity status: PER Activity-specific standards: (a) Commercial activity is for any one or more of the following: (i) Restaurant; (ii) Car wash; (iii) Boat wash; (iv) Grocery store; or (v) Boating store.	(2) Activity status where compliance not achieved: DIS
ML-R5	Any commercial activity that is a non-complying activity in the land-use activity rules of the relevant zone chapter. {CONSQ}	
Maaori Land across all zones	(1) Activity status: DIS Activity-specific standards: Nil.	

Advice notes:

(1) Council encourages Maaori Land Trusts to prepare a Concept Management Plan as part of their land planning, to assist shareholders to overcome the barriers of consents and funding grants from other agencies. A Concept Management Plan is a 'Best Practice Planning Tool' that was introduced by the Te Kete Paaraha Mo Nga Papakainga Ki Waikato (Waikato Maaori Housing Toolkit).

(2) As part of the building consent process, an applicant seeking to build on Maaori Freehold Land or Maaori Customary Land may be required to provide:

(a) a Licence to Occupy, where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation;

(b) A lease, or an Occupation Order of the Māori Land Court, where a Trust Order or Maaori Incorporation does not exist.

MV – Maaori values and Maatauranga Maaori

The relevant area specific zone chapter provisions apply in addition to this chapter.

Values of importance to Maaori

This chapter addresses values of importance to Maaori and the following provides an explanation and description of identified values of importance to Maaori. These values are represented in the objectives and policies of this chapter and particular zone rules. As such this chapter is to be read in conjunction with zone chapters which contain matters of discretion to address the effects of certain activities and land uses on mana whenua values.

Kaitiakitanga

- (1) Mana whenua have a responsibility to protect and nurture the mauri of all living things within their sphere of influence and control. The exercise of kaitiakitanga recognises the intricate balance and integral relationship between and with all natural resources. Mana whenua have learnt and long recognised that, in order for the environment to sustain life, people have a responsibility to protect and sustain the environment.

Manaakitanga

- (2) Mana whenua have an obligation to manaaki all manuwhiri that arrive in the rohe. The ability to care for and support manuwhiri is an expression of the mana and wealth of mana whenua. Waikato is home for many Maaori from other iwi, who live in the region.

Tikanga

- (3) Sustainable management of natural resources provides for the ongoing sustenance of tangata whenua and manuwhiri. Provisions required to sustain natural resources is captured in tikanga. Tikanga ensures that traditional practices observed by mana whenua are given appropriate recognition in resource management and includes acknowledgement of Atua Maaori. Tikanga is a living and evolving concept and embodies all aspects of mana whakahaere. Application of tikanga developed over generations and the exercise of mana whakahaere ensures sustainable resource management in the present day and for generations to come.

Mana whakahaere

- (4) Mana whakahaere is the exercise of authority, access to, and management of resources in accordance with tikanga, within the Waikato rohe by mana whenua. Waikato Iwi mana whakahaere has long been exercised over many generations.

Objectives

MV-OI Recognition of Maaori values.

- (1) Maaori values are recognised and mana whenua are able to exercise kaitiakitanga, manaakitanga tikanga and mana whakahaere.
- (2) Recognise that only tangata whenua can determine effects on their values, traditions, resources, waters, sites of significance, waahi tapu, other taonga and taonga species.

- MV-O2 Hononga.
The connections between tangata whenua and their ancestral lands, water, sites of significance, waahi tapu, other taonga and taonga species are protected or enhanced.
- MV-O3 Kaitiakitanga.
The exercise of kaitiakitanga by mana whenua is recognised and maintained.
- MV-O4 Whakaute ahuraa.
Cultural practices and beliefs of mana whenua are respected.
- MV-O5 Tikanga aa-iwi o Waikato me te takiwaa o Waikato.
Recognise the cultural significance of Waikato Takiwaa (district).

Policies

- MV-P1 Hononga (relationship between tangata whenua and to nature).
- (I) Recognise the hononga (relationship of between mana whenua and nature) with waters, ancestral lands, sites of significance, waahi tapu, urupaa, maunga and other landforms, mahinga/hauanga kai, and other taonga and taonga species (indigenous flora and fauna), which may include:
- (a) Cultural value assessments and/or cultural impact assessments;
 - (b) Accidental discovery protocols;
 - (c) Use of mana whenua traditional place names;
 - (d) Protection, enhancement and restoration of mauri;
 - (e) Use of appropriate locally sourced native plant species where practicable;
 - (f) Use of archaeological information including Maaori archaeological information; and
 - (g) Incorporation of traditional or sympathetic Maaori design elements where practicable.
- MV-P2 Kaitiakitanga (stewardship/guardianship).
- (I) Enable mana whenua to exercise kaitiakitanga where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga, which may include:
- (a) Providing for early and ongoing engagement with mana whenua;
 - (b) Providing for kaitiaki involvement in land use and subdivision proposals as a means to uphold mauri and taonga inherited from tuupuna;
 - (c) Acknowledging and providing for the appropriate use of maatauranga Maaori and recognise that iwi, hapuu and whaanau are owners and kaitiaki of maatauranga Maaori; and,
 - (d) Providing opportunities for mana whenua involvement in decision-making on resource consents in relation to Sites and Areas of Significance to Maaori and issues of cultural significance.

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MV-P3 Aahuatanga Motuhake (special features).

- (1) Recognise and maintain the cultural significance of wetlands, lakes and other waterbodies, including the Waikato and Waipa awa (rivers), coastal areas of Whaingaroa (Raglan Harbour), Aotea, and Te Puaha o Waikato (Port Waikato).
- (2) Recognise the historic and contemporary relationships of Ngaa iwi o Tainui to Karioi, Taupiri, Hakarimata Range, Hunua and Pirongia maunga.

MV-P4 Recognition of Maaori values.

- (1) Recognise Maaori values, including the following:
 - (a) Kaitiakitanga;
 - (b) Manaakitanga;
 - (c) Tikanga; and,
 - (d) Mana whakahaere.
- (2) Recognise that Maaori values will vary across the district and that Maaori values additional to those in (1) above can be identified through engaging with mana whenua at a local level.

MV-P5 Subdivision, land use and Maaori values.

- (1) Manage the effects of subdivision and land use on Maaori values, in particular those arising from the following:
 - (a) Quarrying industry;
 - (b) Waste management facilities;
 - (c) Hazardous waste storage;
 - (d) Intensive farming;
 - (e) Earthworks within the vicinity of the Waikato River and other water bodies within the Waikato River Catchment;
 - (f) Subdivision;
 - (g) Building and structures in water body setbacks;
 - (h) Modification or clearance of indigenous biodiversity within Significant Natural Areas;
 - (i) Activities within identified landscape and natural character areas, on or within the vicinity of maunga and other landforms or sites of cultural significance; and
 - (j) Activities on the surface of waterbodies.
- (2) Manage the effects of subdivision and land use on Maaori values, including by:
 - (a) Providing for the opportunity for engagement with mana whenua prior to undertaking activities or applying for resource consent and addressing the outcomes of that engagement;
 - (b) Providing the opportunity for mana whenua to assess the effects on Maaori values such as through cultural impact/values assessments;
 - (c) Recognising and providing for customary uses of resources including hauanga kai;

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- (d) Recognising and providing for maatauranga Maaori, including as expressed through kaitiakitanga and tikanga;
- (e) Recognising that iwi, hapuu and whaanau are owners and kaitiaki of Maatauranga; and,
- (f) Recognising and providing for tangata whenua relationships with ancestral lands, water, sites, waahi tapu and other taonga to be maintained or strengthened.

Non-regulatory policies

MV-P6 Iwi and hapuu management plans.

That Council support the creation and review of Iwi and hapuu environmental management plans by Iwi and hapuu.

MV-P7 Partnership and relationship agreements.

(1) That Council establishes formal partnership and relationship arrangements such as Mana Whakahono aa Rohe, joint management agreements or memoranda of understanding with iwi and hapuu.

(2) That Council develops a work programme for the implementation of partnership agreements and memoranda of understanding.

MV-P8 Guidance on understanding Maaori concepts and values.

That Council work with Iwi and hapuu to develop guidance material that sits alongside the Plan and provides district plan users with a foundational understanding of Maaori concepts, tikanga, values and mana whenua of the district.

Rules

Land use – activities

MV-RI	<p>(1) All discretionary and non-complying activities in Part 2 – District-wide matters and Part 3 – Area-specific matters sections of this Plan must address:</p> <p>(a) The effects on values held by mana whenua and the appropriateness to mana whenua of any avoidance, mitigation or enhancement measures including as identified through cultural impact/values assessments and any relevant iwi planning document.</p>
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Advice note: Council, Te Kaahui Maangai, Te Puni Kookiri and Iwi authorities, including Te Whakakitenga o Waikato, hold records and contacts of iwi and hapuu in the District.

TETW – Te Ture Whaimana – Vision and Strategy

Overview

- (1) The relationship of Waikato-Tainui with the Waikato River cannot be underestimated as it lies at the heart of their identity as well being a major influence on their spiritual, cultural, historic and physical wellbeing. To Waikato-Tainui, the Waikato River is their Tuupuna Awa, an ancestor.
- (2) The Waikato River Claim was filed with the Waitangi Tribunal by Sir Robert Mahuta on 16 March 1987 on behalf of Waikato-Tainui, the Tainui Trust Board and Ngaa Marae Toopu but was excluded from the 1995 Raupatu Land Settlement for future negotiation.
- (3) The 2009 Deed of Settlement between the Crown and Waikato-Tainui acknowledges the deterioration of the health of the Waikato River while the Crown had authority over the river. The Deed of Settlement has an overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. This district plan aims to restore the river's health in conjunction with other agencies. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 gave effect to the 2009 Deed of Settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River.
- (4) Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) is the Vision and Strategy and is the primary direction-setting document for the Waikato River and activities within its catchment.
- (5) This District Plan reflects the new era of co-management between Waikato District Council and iwi. The Settlement Act requires that a district plan shall give effect to Te Ture Whaimana.
- (6) Te Ture Whaimana responds to four fundamental issues:
 - (a) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;
 - (b) The relationships and aspirations of communities with the Waikato River;
 - (c) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;
 - (d) The time and commitment required to restore and protect the health and well-being of the Waikato River.
- (7) Section 13 of the Waikato River Act requires that district plans be reviewed and where necessary updated following an RMA Schedule 1 process no later than 12 months after the completion of a review of Vision and Strategy.

Definition of Waikato River and its catchment area

- (8) The body of water known as the Waikato River flowing continuously or intermittently from the Huka Falls to the mouth of the Waikato River shown as located within the areas marked "A" and "B" on SO plan 409144, and
- (9) All tributaries, streams and watercourses flowing into the part of the Waikato River, including the Waipaa River, described in paragraph (8), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144, and

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- (10) Lakes and wetlands within the areas marked "A" and "B" on SO plan 409144, and
- (11) The beds and banks of the water bodies described in paragraphs (8) to (10).
- (12) For the avoidance of doubt, this definition is an excerpt from the interpretation of 'Waikato River' in Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The area contained within SO plan 409144 is administered by a number of territorial authorities. Waikato District Council only administers that part of SO plan 409144 that is within the Waikato District.

Issue – Health and wellbeing of the Waikato River

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

Objectives

TETW-O1 Achieving Te Ture Whaimana (Vision and Strategy for the Waikato River).

The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policies

TETW-PI Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River).

- (1) To restore and protect the health and wellbeing of the Waikato River including by;
 - (a) Identifying and recognising the Waikato River as an Outstanding Natural Cultural Landscape;
 - (b) Acquiring appropriate public access to and along the Waikato River at time of subdivision;
 - (c) Protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;
 - (d) Providing for conservation activities;
 - (e) Protecting waahi tapu, sites and areas of significance to Maaori;
 - (f) Recognising and providing for application of maatauranga Maaori; and
 - (g) Managing the effects of subdivision, use and development including those associated with:
 - (i) Building in river setbacks;
 - (ii) Intensive farming;
 - (iii) Earthworks and land disturbance; and
 - (iv) Subdivision.