

Plan Change 12 – Enabling Housing: Part 2 Section 32 Evaluation

# Appendix 2.7 Iwi Engagement

Section 32(4a); and Clause 3 and Clause 4a, Schedule 1 of the RMA

## 1. Iwi Authority s.32(4A) review

During the course of engagement, Iwi and mana whenua advocated to maintain the pre-eminence of Te Ture Whaimana as the primary direction setting document for decisions related to plan change 12. In particular, that no further degradation of the Waikato River should occur due to intensification. This is reiterated in formal advice was received by Waikato-Tainui on 12 July 2022 in response to the s32A report for PC12.

To Waikato-Tainui, the most important factor in PC12 is ensuring that Te Ture Whaimana is upheld and given effect to. This means that any development in relation to PC12 must ensure that the enabled residential densities, coupled with the capacity of existing and upgraded infrastructure, do not lead to significant adverse effects on the River, impacting the health and wellbeing of the Waikato River.

The following table includes a summary of advice received from Waikato Tainui with the response to the advice as required under Section 32(4A) of the RMA.

Advice received	Response
<b>Chapter 2 Strategic Framework</b>	
Support the amendments to the objectives and policies to reflect Te Ture Whaimana	Noted
Support the inclusion of Te Ture Whaimana in the purpose of the strategic framework.	Noted
Support the inclusion of policies 2.2.2b(i)-(xi)	Noted
<b>Chapter 4 Residential Zones</b>	
Support the inclusion of Objective 4.1.21 and subsequent policies	Noted
Amend Policy 4.1.2.1b to remove 'avoid, remedy, mitigate' and replace with 'protect and restore the health and wellbeing of the River'.	Proposed provisions updated to reflect this request
Support Policy 4.1.2.5b, however the policy should use stronger language than 'consider' to ensure development implements methods and technologies to minimise the effects on climate change.	Proposed provisions updated to reflect this request
How will HCC ensure that permitted activities comply with the objectives and policies relevant to giving effect to Te Ture Whaimana?	We cannot consider Objective and Policies for Permitted Activities
How will HCC ensure that mana whenua values are given effect to in medium and high density developments when engagement or consultation with mana whenus is not required through the policy framework, except for policy 2.2.1c?	Any development is required to consider Chapter 2
Support RDA status for activities in a high density residential zone whether they are in the infrastructure overlay or not.	Noted and retained

Support inclusion of 24.2.1 and seeks clarification on who will administer the contributions collected. Suggest is it more appropriate that Waikato-Tainui/WRA have oversight of the fund.	Noted. Administration will need to be refined through ISPP.
Objective 24.3.1 and Policy 24.3.2e are unclear on who will make the decision on the purpose for which the financial contribution will applied in relation to Te Ture Whaimana. As a JMA partner is appropriate for Waikato-Tainui to be included in the decision-making for this purpose.	Noted. Administration will need to be refined through ISPP.
Support Rule 24.4.2a(iii) however, the costs for specific purpose should not be limited to those listed in Rules 24.4.2a(ii)B and 24.4.3a(ii)B as there may be other purposes that Waikato-Tainui or the WRA see as more appropriate in different instances.	Noted. Administration will need to be refined through ISPP.
<b>Chapter 25.13 Three Waters</b>	
Support the approach developed to give effect to the infrastructure constraints.	Noted
Support provisions requiring infrastructure capacity assessments and water impact assessments.	Noted
Recommends the preparation of a new S32 document that outlines exactly how Te Ture Whaimana has been applied as a qualifying matter with all relevant provisions included.	The Section 32 report has been reformatted following feedback. Part 1 Overview report sets out the implications of needing to balance growth and infrastructure to give effect to Te Ture Whaimana. In addition, Appendix 2.5 Infrastructure capacity provisions contributing report specifically assesses Te Ture Whaimana as a qualifying matter.
<b>Chapter 25.14 Transportation</b>	
Support amendments made to chapter to mitigate effects of climate change.	Noted
<b>Infrastructure Overlay map</b>	
Support and consider that it captures the outcomes of the traffic light assessment.	Noted
<b>General comments</b>	
Consider whether Te Ture Whaimana as a QM is appropriately applied to ensure enabling MDRS and higher density does not impact on the river.	Option chosen is considered best to enable the MDRS whilst restoring and protecting the Waikato River
Are the activities that have been identified as needing to be less enabling appropriate?	Determined as appropriate
Are the outcomes of the traffic light assessment appropriately provided for through the policy framework?	Determined to be appropriate
What does it mean to be within the infrastructure overlay?	Additional infrastructure capacity assessments for

	housing developments of a medium to high density.
Waikato Tainui agree that the application of Te Ture Whaimana as a QM must be related to the impacts on the health and wellbeing of the Waikato River and that the matter required to give effect to Te Ture Whaimana relates to the balance between enabled residential densities, and the provision of public infrastructure necessary to address adverse effects arising from development taking up those developments.	Noted

## 2. Engagement

The following summarises engagement undertaken with Iwi and mana whenua for the Hamilton City Council plan change 12 programme of work.

### Dates of engagement for Plan Change programme

16 June 2021	Upon invitation, the City Planning Communication and Engagement Lead in support of the City Planning Tangata Whenua Engagement Lead provided a verbal overview of the plan change programme to THaWK representatives and Waikato-Tainui representative at the Te Ngaawhaa Whakatupu Ake hui hosted at HCC. This was the first formal engagement. Confirmation was provided at the hui that this forum is the most appropriate forum for engagement.
12 July 2021	A summary of the plan change programme and its various components was sent by email to the Waikato-Tainui Taiao Team to introduce the plan change programme and initiate formal engagement and determine key contacts for engagement. Response provided from the Iwi Authority provided direction to whom key personnel would be.
16 July 2021	General communications were sent, via email, from HCC to Waikato-Tainui and all stakeholders about the plan change programme.
28 July 2021	The Team Leader City Planning, supported by Tangata Whenua Engagement Lead, provided a full presentation of the plan change programme to representatives of THaWK and Waikato-Tainui at the Te Ngaawhaa Whakatupu Ake hui. The presentation was high level and demonstrated connections between each plan change work stream and general timeframes.
29 July 2021	The Tangata Whenua Engagement Lead held an informal meeting with the Waikato-Tainui Taiao Team. The purpose of the meeting was to keep the Taiao Team updated on progress and to consider the forms of information sharing, including support for the Taiao Team to inform tribal governance.
10 August 2021	The Tangata Whenua Engagement Lead held a Hui (online) with Marae Tukere (Waikato-Tainui Acting CEO) to provide an update about the ODP Programme, including the NPS for Accessibility and Modal Transport requirements to the ODP.

- 22 September 2021 The Tangata Whenua Engagement Lead facilitated a workshop about Te Ture Whaimana. Te Ture Whaimana plays a significant role in the management of activities that affect the Waikato River and its catchment. The workshop was attended by HCC staff, Consultants and representatives of THaWK, Ngaati Wairere and Waikato-Tainui to improve their awareness about Te Ture Whaimana and its impact and role in the plan change programme.
- 23 September 2021 A second session for the Te Ture Whaimana workshop was held.
- 20 October 2021 An update about the plan change programme was presented to THaWK representatives (in person).
- 16 December 2021 A full presentation (online) about the plan change programme was presented to THaWK representatives and Waikato-Tainui. The focus of this presentation included the implementation of the NPS-UD and its potential impacts on the City's growth and Te Ture Whaimana. Support was provided to ensure the primacy of Te Ture Whaimana was recognised in the City's response to the NPS-UD and its implementation in PC12.
- 28 January 2022 The Tangata Whenua Engagement Lead held an online Hui between District Planning Manager and Marae Tukere (Waikato-Tainui Acting CEO). The focus of the discussion was the NPS-UD and coordinating responses to central Government to protect the primacy of Te Ture Whaimana. This would impact PC12.
- 22 February 2022 The Tangata Whenua Engagement Lead held an informal online Hui with Waikato-Tainui Management and Environmental Team to provide an update about PC12 and to see how the HCC team could support information shared to Governance for the Iwi Authority.
- 2 March 2022 A paper was prepared for the Waikato-Tainui board meeting about the plan change programme. The paper included recent thinking about PC12 and PC9, SNAs and responses to the NPS-UD recognising Te Ture Whaimana as a qualifying matter, and the work that would be required to demonstrate evidence for the identification of areas for intensification while providing for the objectives of Te Ture Whaimana.
- 16 March 2022 Co-Governance Forum held between HCC and Waikato-Tainui which included updates on the plan change programme, in particular PC12. A briefing paper had been prepared for the Waikato-Tainui representatives in preparation for the Joint Committee Meeting.
- 1 June 2022 Co-Governance Forum between HCC and Waikato-Tainui was held outlining the timeline for Plan Change 12 and the role of Te Ture Whaimana in the decision making process.