

**SUBMISSION on  
Plan Change 7 – Rotokauri North  
Private Plan Change**

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## **INTRODUCTION**

1. Waikato-Tainui is the governing body and mandated iwi organisation for the 68 marae and 33 hapuu of Waikato Tainui and manages the assets of Waikato Tainui for the benefit of over 70,000 registered tribal members.
2. The current governance structure of Waikato-Tainui was established following the 1995 Waikato Raupatu Claims Settlement and incorporates a democratic structure where marae hold a vital role.
3. TWOW makes this submission on behalf of Waikato-Tainui marae and iwi members. The rohe (tribal region) of Waikato-Tainui is bounded by Auckland in the north and Te Rohe Potae (King Country) in the south and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, and the west coast of Whaingaroa (Raglan), Manukau, Aotea and Kawhia moana.
4. This submission is made on behalf of Te Whakakitenga o Waikato Incorporated (TW--OW) and responds to Green Seed Consultants Ltd (Green Seed) Private Plan Change 7 – Rotokauri North Private Plan Change (PC7); and relates to all provisions of the plan change.

### **The Role of Waikato-Tainui**

5. The role of TWOW is to:
  - (a) Uphold, support, strengthen and protect the Kiingitanga (which incorporates the principles of unity, the retention of the tribal base in collective ownership, and co-operation among peoples).
  - (b) Protect, advance, develop and unify the interests of Waikato-Tainui
  - (c) Foster among the members of Waikato-Tainui the principles of whakaiti, rangimaarie and kia tuupato and other tikanga of Waikato-Tainui.
  - (d) Achieve and support the existing and future settlements of the Treaty of Waitangi/Te Tiriti o Waitangi and/or raupatu claims of Waikato-Tainui.
  - (e) Act as trustee of the Waikato Raupatu Lands Trust established by the Lands Trust Deed.
  - (f) Act as trustee of the Waikato Raupatu River Trust established by the River Trust Deed.
  - (g) Maintain the spirit and intent of the 1995 Deed of Settlement between Waikato-Tainui and the Crown, and the Trust Deeds.

## **Te Arataura**

6. Te Arataura is the executive committee of Te Whakaitenga, which oversees the tribe's day to day activities. It is made up of representatives from elected members of TWOW and the Kaahui Ariki representative. The Kaahui Ariki representative is appointed by the Head of the Kaahui Ariki and serves at their discretion. The remaining members are elected by Waikato-Tainui for each three-year term

## **Te Whakakitenga o Waikato Inc Entities**

7. The TWOW organisation is made up of four entities whose job, broadly is to build capacity of Waikato-Tainui iwi, hapuu, marae and tribal members.
  - (a) Waikato Raupatu Lands Trust (WRLT) manages tribal affairs; implements the tribe's development strategy; and, makes distributions for education, health and wellbeing, marae, social and cultural development.
  - (b) Tainui Group Holdings (TGH) is the commercial arm of Waikato-Tainui. A property investment and development company, TGH operates a diversified investment portfolio including retail, residential, commercial, industrial and rural properties.
  - (c) Waikato-Tainui College for Research and Development has been established as a place for higher learning. It is an international centre of excellence that aims to provide quality postgraduate study and research to strengthen iwi development, produce future leaders and support indigenous development.
  - (d) Waikato Raupatu River Trust (WRRRT) was established to oversee and implement the 2008 Waikato River Settlement and related statutory and regulatory reform. It also leads and monitors our outstanding treaty claims for TWOW.
8. WRRRT seeks to implement the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan (the 'Plan') which is the Waikato-Tainui environmental planning document.
9. TWOW expects that the marae and hapuu that constitute TWOW are afforded the same status as TWOW when exercising their kaitiakitanga consistent with the Plan as if the Plan were written for their marae and hapuu. TWOW also recognizes that marae, hapuu, and clusters of marae and/or hapuu may develop their own environmental planning documents relevant to their local area.
10. On any given matter, the process and method of consultation follows that stipulated in section 6 of the Plan: 'Te Koorero Tahī me Waikato-Tainui Consultation and Engagement with Waikato-Tainui' in Tai Timu Tai Pari Tai Ao includes the obligations of the Resource Management Act 1991, and is as follows:
  - (a) To engage with Waikato-Tainui in a timely, inclusive and participatory setting, seeking feedback and input into appropriate cultural and environmental mitigation solutions; and

- (b) To ensure that adequate consultation with Waikato-Tainui has occurred, to ensure compliance with statutory/legal requirements.
11. Waikato-Tainui has a range of rights and interests including, but not limited to:
- (a) Rights and interests arising under the 1995 Waikato Raupatu Lands Settlement (and the Waikato Raupatu Settlement Act 1995) and the 2008-2009 Waikato River Settlement (and the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010);
  - (b) Rights and interests according to tikanga and customary law;
  - (c) Rights and interests arising from the common law (including the common law relating to aboriginal title and customary law); and
  - (d) Rights and interests under the Treaty of Waitangi and its principles;
  - (e) Rights and interests under the Waikato-Tainui & Waikato District Council Joint Management Agreement and its principles;
  - (f) Te Mana o Te Awa (the spiritual authority, protective power and prestige of the river);
  - (g) Mana Whakahaere (authority and rights of control);
  - (h) Health and Wellbeing;
  - (i) Co-Governance and Co-Management.

## **SUBMISSION**

### **SUMMARY OF POSITION**

12. Waikato-Tainui supports and promotes a co-ordinated, co-operative and collaborative approach to protecting natural resources, environmental management, restoration, responsibilities and care within the Waikato Tainui rohe. Green Seed has met this aspiration in its consultation and collaboration with Mana Whenua and Waikato-Tainui.
13. Mana whakahaere embodies the authority that Waikato-Tainui have established in respect of our environment and we view the holistic integrated management of all elements of the environment such as flora and fauna, land, air and water as of utmost importance. Waikato-Tainui are responsible for protecting and nurturing the mauri of all living things in accordance with tikanga (values, ethics and norms of conduct). Therefore, when exercising mana whakahaere we recognise the intricate balance and integral relationship between all natural resources in the Waikato Tainui rohe. Accordingly, we strive to ensure these tikanga values (including responsibilities) are inherent in all our actions. Green Seed has met Waikato-Tainui's aspirational value of Mana Whakahaere in terms of its consultation and collaboration with Waikato-Tainui in the development of PC7.

## **TE TURE WHAIMANA O TE AWA O WAIKATO – VISION AND STRATEGY (Te Ture Whaimana)**

14. In respect of the Waikato River, Te Ture Whaimana is of paramount importance and must continue to prevail over all planning instruments.
15. Waikato-Tainui has joint management agreements with local authorities within the Waikato River catchment area which recognises and provides for Te Ture Whaimana, and Tai Tumu, Tai Pari, Taiao – Waikato-Tainui Environmental Plan (Environmental Plan).
16. Waikato-Tainui welcomes private plan change proposals that align with and integrates within the proposal, objectives and strategies of Te Ture Whaimana and the Environmental Plan. Green Seed will have met the objectives and strategies of Te Ture Whaimana in respect of PC7 though mitigation recommendations contained within the CIA.

## **TAI TUMU, TAI PARI, TAI AO – WAIKATO-TAINUI ENVIRONMENTAL PLAN**

17. This Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao (the 'Plan'), is developed out of Whakatupuranga 2050. The Plan is designed to enhance Waikato Tainui participation in resource and environmental management. The maimai aroha of Kiingi Taawhiao is the key driver and indicator of environmental health and wellbeing in this Plan. Waikato-Tainui aspires to the restoration of the environment to the state that Kiingi Taawhiao observed when he composed his maimai aroha.
18. The Plan is also intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe. Waikato-Tainui recognises that the successful achievement of the objectives in this Plan is a team approach that requires input and support from these external agencies.
19. Waikato-Tainui acknowledges that there may be more than one agency involved in the successful achievement of the Plan's objectives due to the different mandate, legislation, drivers, and motivation across external agencies. Waikato-Tainui encourages and advocates for external agencies to do what they can to achieve the Plan's objectives. Green Seed has achieved the Plans objectives through acceptance of mitigation recommendations in the CIA developed by Mana Whenua.
20. Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management, restoration, and care within the Waikato-Tainui rohe. Through this Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe. This Plan is a living, evolving, working document that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement.

## **ROKOKAURI NORTH PRIVATE PLAN CHANGE 7 BACKGROUND**

21. The Rotokauri area falls within the tribal boundary of Waikato-Tainui marae and iwi members and has Mana Whakahaere (authority) over its lands and resources, including the Waikato River and its associated natural environs.
22. Green Seed sought a good faith working relationship with tāngata whenua to provide for their engagement and input into the development of PC7. A Tangata Whenua Working Group (TWWG) has been established in consultation with Te Haa o te Whenua o Kirikiriroa (THaWK) and Waikato-Tainui. The TWWG comprises representatives from Waikato-Tainui and each of the hapuu having interests within the vicinity of the proposed PC7 area. Tangata whenua representatives include Waikato-Tainui on behalf of iwi; Ngaati Mahanga, Ngaati Hauaa, Ngaati Tamaiunapo, Ngaati Wairere, Ngaati Reko - Waikeri Marae on behalf of THaWK, and Ngaa Uri o Maahanga.
23. Waikato-Tainui appreciates the Site visits have occurred, and bi-monthly meetings held with the TWWG and Waikato-Tainui to work through the plan change. The meetings provide for plan development updates from Green Seed and input from TWWG.

## **ROKOKAURI NORTH TANGATA WHENUA WORKING GROUP**

24. Key functions of the TWWG are to provide advice regarding the PC7 proposal, to develop a Cultural Impact Assessment Report (CIA) to assist in understanding environmental and cultural values and impacts; and to make recommendations regarding best practice outcomes from the proposed plan change.

## **CULTURAL IMPACT ASSESSMENT REPORT**

25. A CIA has been developed by the TWWG from the information and feedback gained during consultation and engagement meetings with Green Seed, Waikato-Tainui and HCC in relation to the plan change and subdivision/development in the Rotokauri North area.
26. The CIA report includes a brief background to the Rotokauri North project, CIA scope, methods undertaken in completing the report, an overview of Raupatu and relevant legislation, Waikato Tainui mana whenua connections, cultural values and potential impacts of the development.
27. The CIA report provides a list of mitigation recommendations for potential issues and opportunities to consider alongside the subdivision development. The CIA report is expected to be a “living document”, which can be reviewed, updated and added to throughout the various phases of the Rotokauri North project.
28. The CIA report documents the Māori history, values, ecological and environmental interests in relation to potential impacts of the proposed activity or development. In regard to these matters the CIA aims to:
  - a. Highlight the relationship of Māori with their culture and traditions, ancestral lands, waters, sites, waahi tapu and other taonga.

- b. Uphold the values of kaitiakitanga in accordance with Waikato-Tainui in exercising functions and powers under the Resource Management Act 1991.
  - c. Identify the effects and/or impacts of a proposed activity upon Tangata Whenua cultural, ecological and social associations with the environment.
  - d. Identify or assist in the identification and formulation of methods to avoid, minimise and mitigate cultural and ecological impacts on the environment.
29. The CIA includes historical narratives that connect Waikato-Tainui and each of the TWWG hapuu to the Rotokauri area.
30. There are recommendations within the CIA report that fall within 5 key areas, which relate to the key principles and values of the CIA report.
- a. **Rangatiratanga** – ongoing involvement of mana whenua. Tangata Whenua recognises that relationships are key to achieving holistic, positive environmental outcomes.
    - i. **Recommendation 1:** The TWWG continue to work in good faith and partnership with Green Seed on outcomes for Rotokauri North. Including further engagement to provide opportunities for Iwi to have input into technical reports.
    - ii. **Recommendation 2:** Ensure that the future resource consent applications provide an appropriate summary of the engagement undertaken with TWWG as well as the issues (and potential remedies) identified in this cultural impact assessment.
  - b. **Waahi Taonga** - Heritage Issues and Significant Sites.
    - i. **Recommendation 3:** To reaffirm ‘whakapapa’ the traditional cultural story/cultural narrative to support the cultural indigenous place-making throughout the Rotokauri North area. The focus on opportunities to recognise and provide for the enhancement and tangible reflection of mana whenua cultural values as a key element of land management and developments, including but not limited to:
      - 1. Potential to use traditional mana whenua names for street and neighbourhood names.
      - 2. Use of indigenous plant species in riparian restoration, as street trees, in open space and reserves.
      - 3. Landscaping design that reflects cultural perspectives, ideas and materials, contemporary Māori culture in building design, artwork and furniture in public open space.
      - 4. Inclusion of interpretation materials, communicating the history and significance of places, resources and potential to use taangata whenua inspired and designed artwork and structures (pou).

5. Appropriate karakia or other cultural protocols to be implemented when appropriate.
6. Green Seed are committed to ensuring the appropriate protocols (tikanga and kawa) are followed throughout the project (on land falling within Green Seed ownership/management).
7. The TWWG consider it important to include the requirement for a cultural monitor to be present with the archaeologist upon the removal of topsoil or other times where deemed necessary. This also supports knowledge transfer and enhancing of cultural capacity of the local iwi.
8. Implementation of accidental discovery protocols (ADP) whereby in the event of a discovery or archaeological material, earthworks will stop, and appropriate iwi and NZ Heritage advice will be sought and appropriate actions followed. That any contractors involved in earthworks be given appropriate guidance on the ADP (via cultural health and safety induction) by a designated TWWG representative and that agreement to this is duly noted.

b. **Ngaa Wai Ora** - Freshwater and Waste Management

- i. **Recommendation 4:** Endorse the proposed Sub-Catchment ICMP utilising latest best practice techniques or the management and treatment of stormwater and recognition that all sites will be serviced for wastewater (therefore no new individual sites will have onsite wastewater disposal systems, and all sites will connect to the HCC reticulated network), and:
  1. The use of vegetated swales, rain gardens, wetlands and/or reduced impervious surfaces within the development and within street and reserve design.
  2. Treating stormwater close to source, using native plant species.
  3. Providing opportunities were possible for onsite re-use of water.
  4. Ongoing monitoring and maintenance of storm water treatment and control according to regulatory requirements.
- ii. **Recommendation 5:** Any water-take and water allocation applications be reviewed by TWWG to ensure efficient use and management of the resource.
- iii. **Recommendation 6:** Water sensitive designs are included within the development to mimic natural systems including restoration of any natural streams that flows through the site.

- iv. **Recommendation 7:** That the subdivision be developed to require and/or encourage the incorporation of innovative low impact urban design by future development, including rainwater collection and re-use (where practicable) landscaping, low energy/water fittings, insulation and solar or alternative energy sources/systems, as well as solar hot water system.
- c. **Mahinga Kai** – Customary Food and Resource Species and Biodiversity of taonga species.
  - i. **Recommendation 8:** Endorse the continued protection of the native kahikatea stand as a SNA and encourage the enhancement of this area.
  - ii. **Recommendation 9:** To include valued food gathering species or those that support habitat for mahinga kai species for both reserves and roads/streets. Consideration should be given to wider biodiversity gains for native birds, bats, insects and also lizards by providing specific habitat in reserves and roads/streets for these species including:
    1. Eco-sourcing of plants from within the Waikato basin and ensuring species that reflect history of the area.
    2. Revegetation and re-establishment of riparian margins with indigenous plants for land cover and the creation of indigenous habitat.
    3. Development of reserve areas, integrated storm water ponds, green corridors and open space to provide buffer zones between the development and the commercial and residential areas.
    4. Integration of the landscaping into the esplanade reserve, taking into account corridor for native bats.
    5. Develop and restore indigenous riparian, forest, grassland and wetland habitats.
    6. Support cultural harvest and long-term utilisation of natural resources.
  - iii. **Recommendation 10:** Encourage use of Te Reo Te Repo Wetland Handbook in delivering joint biodiversity and cultural outcomes for any riparian, wetland or reserve planting.
- d. **Kotahitanga** - Tangata Whenua Partnership Outcomes
  - i. **Recommendation 11:** Encourage ways to incorporate Tangata Whenua in business, housing opportunities, social and education enterprise and commercial ventures, including but not limited to:
    1. Plant supply, landscape and riparian planting and plant maintenance.

2. Capacity building of kaitiaki to undertake monitoring, archaeological surveying.
- c. As authors of the CIA report, the TWWG and Waikato-Tainui support the report's recommendations and have worked in partnership with Green Seed to ensure those recommendations are appropriately reflected in Plan Change 7 as currently proposed. The TWWG and Waikato-Tainui will continue to work with Green Seed to that end throughout the implementation of Plan Change 7, as necessary.

## **RECOMMENDATIONS**

31. This submission is provided in support of PC7.
32. The Rotokauri North TWWG and Waikato-Tainui seeks the following decision from HCC:
  - b. Approve the Rotokauri North Private Plan Change 7, subject to any further amendments the Panel may consider necessary to reflect and provide for the recommendations of the CIA Report.
  - c. The Waikato-Tainui wishes to be heard in support of its submission. We would consider presenting a joint case with similar submissions at any hearing.