

SECTION 42A REPORT

Report on submissions and further submissions

Miscellaneous Topic

Report prepared by: Alex Bell

Dated: 21 October 2024

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List of submitters and further submitters addressed in this report

Submission No	Submitter
03	Heritage New Zealand Pouhere Taonga (HNZPT)
04	New Zealand Agricultural Aviation Association (NZAAA)
10	Waikato Regional Council (WRC)
17	Waka Kotahi
18	Auckland Waikato Fish and Game Council (AWFG)
07	Omya New Zealand Limited (Omya)
35	Te Ruunanga o Ngaati Mahuta ki te Hauaaauru
16	Fire and Emergency New Zealand (FENZ)
13	Sheryl Paekau
12	Heli A1 Limited
38	Te Tokanganui- a-noho Whare (TTRMC)
23	Balance Agri-Nutrients
56	The Fuel Companies
45	Marama Henare-Waho
46	Federated Farmers
51	KiwiRail (KRH)
31	Transpower
50	Te Nehenehenui
39	Firstgas
36	Kāinga Ora
34	Ayush Mudaliar
24	Ministry of Education (MoE)
29	Aggregate and Quarry Association (AQA)
48	S Machra
30	New Zealand Forest Managers (NZFM)
52	Grant Lennox
54	Apiculture New Zealand
19	PF Olsen
55	Kura Stratford
47	Forest and Bird

Submission No	Submitter
57	Tom Anderson
58	James Findlay
53	Department of Conservation (DOC)
21	New Zealand Defence Force (NZDF)
14	New Zealand Pork Industry Board (NZPIB)
27	Horticulture New Zealand (Hort NZ)
43	Graymont (NZ) Limited
21	New Zealand Defence Force

Submission No	Submitter
FS07	Grant Lennox
FS10	King Country Energy
FS13	New Zealand Agricultural Aviation Association (NZAAA)
FS15	New Zealand Helicopter Association
FS25	Ventus Energy
FS03	Department of Conservation (DOC)
FS23	Te Nehenehenui
FS30	Transpower
FS24	The Lines Company
FS08	Graymont (NZ) Limited
FS18	Omya
FS20	Sheryl Paekau
FS09	Kainga Ora
FS12	Manulife Forest Management (NZ) Ltd
FS19	PF Olsen
FS05	Federated Farmers

1. Introduction

1.1 Qualifications and Experience

1. My name is Alex Bell. I am employed by the Waitomo District Council as the General Manager – Strategy and Environment.
2. I hold the qualifications of Bachelor of Laws, Graduate Diploma in Environmental Planning and am completing my Post Graduate Diploma in Environmental Planning from the University of Waikato.
3. I have been employed in legal and planning roles in private practice, central government and local government for approximately 10 years. I have been employed by Council as the General Manager – Strategy and Environment since June 2021. In this role I am responsible for the Proposed Waitomo District Plan proceeding through the process under Schedule 1 of the RMA and the administration of the Operative Waitomo District Plan.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflicts of interest.

1.4 Preparation of this report

7. This report considers the submissions and further submissions that were received in relation to Part 1 and any other submissions that have not been dealt with in other Section 42A Reports.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. Scope of Report

2.1 Matters addressed by this report

9. This report is prepared in accordance with Section 42A of the Resource Management Act 1991. This report considers submissions and further submissions that were received by the Council in relation to the provisions of Part 1 including the definitions and any other submissions that have not been dealt with in other Section 42A Reports.

2.2 Statutory Requirements

10. The PDP has been prepared in accordance with the Council's functions under the RMA, specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses each of these chapters and sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

2.3 Procedural matters

11. At the time of writing this Section 42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

3. Consideration of submissions received

3.1 Overview of submissions

12. A total of 229 submissions and further submissions were received in respect of this topic.

3.2 Structure of this report

13. Given that either no submissions or a relatively low number of submissions and further submissions were received on the Part 1 chapters, this report firstly considers chapters where either no submissions were received or the submissions requested retention of the provisions as notified. Then it addresses those submission points seeking relief.
14. The chapter takes a hybrid approach. Where the submissions points are contained in a table in this report, the assessment follows the following format: submission information; relief sought by the submitter, the recommendation and if required, any amendments to the plan. The remainder of submissions are addressed directly in the Appendix 1 table.

Topic 1: Part 1 – Provisions to be adopted as notified

15. One submission and one further submission were received in support of chapter 1 as notified. Two submissions and three further submissions were received in support of chapter 5 as notified. Two submissions and two further submissions were received in support of chapter 11 as notified. No submissions were received on chapter 2, 3, 4, 8, 10 or 14. As such it is recommended that these chapters can be adopted as notified.

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
38.01	Te Tokanganui a-noho Whare (TTRMC)	Support	1. Mihi	Retain as notified.	Accept
FS20.30	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
38.08	TTRMC	Support	5. Statutory Context	Retain reference to the Iwi management plans including: 1. Ko Tā Maniapoto Mahere Taiao. Environmental Management Plan 2018 and where necessary we request that the policies and objectives are aligned to, enhanced or strengthened through the Proposed District Plan. 2. Waikato-Tainui Environmental Management Plan 2013.	Accept
FS20.37	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
FS20.184	Sheryl Paekau	Support in part		I support in part the increase of housing on Maaori land but not limited to number but by capability of the whanau and government housing support. **Suspect incorrect submission reference on the further submission**	Accept
50.09	Te Nehenehenui	Support	5. Statutory Context	Retain reference to the Iwi management plans including: 1. Ko Tā Maniapoto Mahere Taiao. Environmental Management Plan 2018 and where necessary we request that the policies and	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				objectives are aligned to, enhanced or strengthened through the Proposed District Plan. 2. Waikato-Tainui Environmental Management Plan 2013	
FS20.207	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
38.16	TTRMC	Support	Rārangi Whakamārama (Glossary)	Retain Rārangi Whakamārama (Glossary) chapter as notified.	Accept
FS20.45	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
50.15	Te Nehenehenui	Support	Rārangi Whakamārama	Retain the Rārangi Whakamārama (Glossary) chapter.	Accept
FS20.213	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept

Topic 2: Part 1 – Remaining provisions

16. Two submissions and three further submissions were received in respect of chapter 6 – general approach.

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
46.04	Federated Farmers	Oppose with amendment	Chapter 6 – General Approach – how the plan works	Delete from the note on page 5 in the “How the Plan Works” chapter the words: Any activity not expressly provided for within this plan is a non-complying activity. And any consequential amendments required as a result of the relief sought.	Reject
FS12.26	Manulife Forest Management (NZ) Ltd	Support		Amend the advice note as sought.	Reject
FS19.156	PF Olsen	Support		Allow submission point	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
50.01	Te Nehenehenui	Amend		Amend 'Cultural sites' Activity status to include the following statement (or similar wording) in addition to the current paragraph: "It is recommended consultation and engagement with iwi and mana whenua is undertaken during the application process and before any work is carried out".	Accept
FS20.199	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept

17. Federated Farmers request that the note outlining that any activity that is not provided for within the plan is a non-complying activity is deleted. The submitter opposes this type of 'catch all' approach, considering it to be poor planning practice and requires a plan to be read for what is not there as well as for what is there. By way of example, the submitter notes that the definition of earthworks "excludes gardening, cultivation, and disturbance of land for the installation of fence posts". In some plans where these exclusions are not expressly provided for, they default to a non-complying activity.
18. The submitter's point is taken. It is frustrating that innocuous activities can inadvertently trigger consents if they have not been provided for in plans. In this case, effort has been made to ensure activities are provided for in the Hapouri Whānui chapter including gardening, fencing, water tanks, TV aerials and satellite dishes, pou and public art. Similarly in the general rural zone, activities that are often overlooked such as recreational hunting, urupa, shelter belts and stock underpasses are specifically permitted, and the default status is discretionary if an activity is not listed. It is agreed that plans can be slow to respond to innovation but given the circumstances, the utmost care has been taken to be as encompassing as possible. In the case of this plan, the default status should likely only be triggered if a completely unanticipated activity wishes to locate in the district.
19. Te Nehenehenui request the 'cultural sites' section of chapter 6 is amended to include the following statement (or similar wording): 'It is recommended consultation and engagement with iwi and mana whenua is undertaken during the application process and before any work is carried out'. This is partly provided for in the paragraph, but it is considered that the provision could be strengthened. The recommended amendment would read:

Cultural sites

Sites and areas of significance to Māori are identified on the Planning Maps. However, there may be some sites which are of cultural significance, but are not mapped. Applicants are encouraged to consult and engage with iwi and mana whenua ~~through the appropriate Iwi Authority~~ early in the development application process and before any work is carried out.

20. Section 32AA: This is a minor amendment to the description of a matter rather than a change to the policy or rule framework. A section 32AA evaluation is not required.
21. Two submissions and 2 further submissions were received in respect of chapter 7 – cross boundary matters.

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
50.02	Te Nehenehenui	Amend/add	Chapter 6 – General Approach – how the plan works	Amend the Maniapoto rohe boundary and update it consistent with the Maniapoto Area of interest in Maniapoto Deed of Settlement, Maniapoto Claims Settlement Act 2022.	Accept
FS20.200	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
50.03	Te Nehenehenui	Add		Provide an additional map outlining the specific Te Nehenehenui whare boundaries within the Waitomo District.	Accept
FS20.201	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept

22. Te Nehenehenui request that the Maniapoto rohe boundary is updated so it is consistent with the Maniapoto Area of Interest in the Maniapoto Deed of Settlement, Maniapoto Claims Settlement Act 2022. Te Nehenehenui also request an additional map is added outlining the specific Te Nehenehenui Whare boundaries within the district. These are considered to be useful additions to the plan. It is recommended that Council works with the Trust to make these amendments.

Note to Commissioners: Amend the Maniapoto rohe boundary so it is consistent with the Maniapoto Area of Interest in the Maniapoto Deed of Settlement, Maniapoto Claims Settlement Act 2022 and add a map outlining the specific Te Nehenehenui Whare boundaries within the district.

23. Section 32AA: This is a minor update the plan to correct mapping, rather than a change to the policy or rule framework. A section 32AA evaluation is not required.
24. Two submissions and three further submissions were received in respect of chapter 12 – National Policy Statements and New Zealand Coastal Policy Statement

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
31.15	Transpower	Support	National Policy Statement on Electricity Transmission 2008	Retain the reference to National Policy Statements in the National Direction Instruments chapter, and specifically the inclusion of reference to the National Policy Statement for Electricity Transmission 2008.	Accept
47.01	Forest and Bird	Support with amendment	General	Amend Chapter 12 to include: <ul style="list-style-type: none"> • National Policy Statement for Highly Productive Land 2022; • A statement of how the plan has regard to the National Emissions Reduction and Adaption Plans; and • National Policy Statement on Indigenous Biodiversity And Any consequential changes or alternative relief to achieve the relief sought.	Accept in part
FS03.97	Director-General of Conservation	Support		Allow	Accept in part
FS25.01	Ventus Energy	Support		Allow	Accept in part
FS23.239	Te Nehenehenui	Support and oppose		Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan. Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature. If the submission points align to enhance the protection and maintenance of Maniapoto iwi hapu marae whanau and all taonga within the taiao and	Accept in part

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
				the Te Nehenehenui area of interest, TNN is in support of these points providing it does not undermine the integrity, mana and mauri of Maniapoto whanui, taonga and taiao.	

25. Forest and Bird have sought that the following matters are added to chapter 12.

- National Policy Statement for Highly Productive Land 2022;
- A statement of how the plan has regard to the National Emissions Reduction and Adaption Plans; and
- National Policy Statement on Indigenous Biodiversity

26. Waka Kotahi also request that reference is made to the National Policy Statement for Highly Productive Land. This document came into force on 17 October 2022. Council had resolved to notify the plan on 6 October 2022, and as such, the plan could not be amended after it was resolved to notify. However, it is noted that the NPS has been addressed in various section 42A Reports (General Rural, Settlement and Rural Lifestyle Zones), and amendments have been made where required.

27. The National Policy Statement for Indigenous Biodiversity had not come into effect at notification. It is recommended that both of these documents are referenced in chapter 12, noting that the ecosystems and indigenous biodiversity chapter has been amended to refer to the National Policy Statement for Indigenous Biodiversity. The changes would read:

National Policy Statement for Highly Productive Land 2022	This policy statement has been reviewed in October 2024. Its provisions are given effect to across the plan but specifically within the following chapters: Strategic direction, general rural zone, future urban zone.
National Policy Statement for Indigenous Biodiversity 2023	This policy statement has been reviewed in October 2024. Its provisions are given effect to across the plan but specifically within the following chapters: Ecosystems and indigenous biodiversity, natural features and landscapes, coastal environment, natural character, general rural zone, strategic direction.

28. Section 32AA: This is a minor amendment to update the plan with the most recent national policy statements, rather than a change to the policy or rule framework. A section 32AA evaluation is not required.

29. Waka Kotahi, WRC, Forest and Bird request the inclusion of a statement about how the plan has regard to any national emissions reduction plans and national adaption plans. This plan was notified before the requirement in section 74(2)(d) and (e) were included in the RMA and is not required adhere to those provisions. This requirement was inserted into the RMA on 30 November 2022. The plan was notified on 20 October 2022.

30. Two submissions were received on chapter 13 – National Environmental Standards

Submission no	Submitter	Support/in part/oppose	Plan provision	Relief sought	Recommendation
31.16	Transpower	Amend	National environmental standards	<p>Retain the reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 in the National Direction Instruments chapter.</p> <p>And amend the reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 in the National Direction Instruments chapter as follows:</p> <p>National Environmental Standards (NES's) are prepared by Central Government NES's must be observed and enforced by local authorities. <u>The relationship between the NES and the district plan rules are prescribed in the NES itself and the RMA.</u></p> <p>The following NESs are currently in force:</p> <p>...</p> <ul style="list-style-type: none"> Resource Management (National Environmental Standards for Electricity transmission Activities) Regulations 2016 <u>2009</u>. <p>And any consequential amendments.</p>	Accept
47.02	Forest and Bird	Support with amendment	General	<p>Amend Chapter 13 to include:</p> <ul style="list-style-type: none"> The Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and An explanation of how this is relevant to activities addressed in the Plan i.e. with respect to setbacks of urban activities and earthworks from wetlands. <p>And any consequential changes or alternative relief to achieve the relief sought.</p>	Accept in part

31. Transpower requests that chapter 13 is amended to include the following text: 'The relationship between the NES and the district plan rules are

prescribed in the NES itself and the RMA'. Transpower have also requested an amendment to correct an error (thank you). It is considered that the amendments provide additional clarity. The recommended amendment is shown below.

32. Forest and Bird request the chapter is amended to include the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and an explanation of how this is relevant to activities addressed in the plan (i.e. with respect to setbacks of urban activities and earthworks from wetlands). Currently the plan only lists the National Environmental Standards so an explanation would not be consistent with the current format of the plan. The plan does refer to the National Environmental Standards for Freshwater as an advice note adjacent to pertinent rules.
33. It is recommended that the request to include reference to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 should be accepted. Two additional National Environmental Standards could also be included that have not been listed, but are currently in effect:
 - Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020; and
 - Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021.
34. The recommended amendments would read:

National Environmental Standards

National Environmental Standards (NES) are prepared by central government and can prescribe technical standards, methods (including rules) and/or other requirements for environmental matters throughout the whole country or specific areas. If an activity doesn't comply with an NES, it is likely to require a resource consent. NES must be observed and enforced by local authorities. [The relationship between the NES and the district plan rules are prescribed in the NES itself and the RMA.](#)

The following applicable NES are currently in force:

- Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009~~16~~
- Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007
- Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (amended 2011)

- [Resource Management \(National Environmental Standards for Marine Aquaculture\) Regulations 2020; and](#)
- [Resource Management \(National Environmental Standards for Freshwater\) Regulations 2020](#)
- [Resource Management \(National Environmental Standards for Storing Tyres Outdoors\) Regulations 2021.](#)

35. Section 32AA: These are minor amendments to correct an error, provide plan users with additional guidance and update the National Environment Standards that are currently in effect. It is not a change to the policy or rule framework. A section 32AA evaluation is not required.

Topic 3: Part 1 – Mana whenua

36. 14 submissions and 19 further submissions were received on chapter 15 – mana whenua.

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
10.06	WRC	Amend	General comment	Update the PWDP to incorporate the Maniapoto Claims Settlement Act 2022.	Accept
FS03.13	Director-General of Conservation	Support		Allow	Accept
10.07	WRC	Amend	General comment	Amend so that the term “te ao Māori” is used consistently throughout the plan (Māori world view).	Reject
35.01	Te Ruunanga o Ngaati Mahuta ki te Hauaaauru	Support	Mana Whenua	Retain Mana Whenua chapter as notified.	Accept in part
FS20.01	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed	Accept in part
35.02	Te Ruunanga o Ngaati Mahuta ki te Hauaaauru	Support with amendment	Recognition of Iwi and Hapū	Add the following into the Recognition of Iwi and Hapū section of the Mana Whenua chapter: <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>	Accept
FS20.02	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed	Accept
35.03	Te Ruunanga o Ngaati Mahuta ki te Hauaaauru	Support with amendment	Engagement and Consultation with Mana Whenua	Add the following into the Engagement and Consultation with Mana Whenua section of the Mana Whenua chapter:	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				<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>	
FS20.03	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed	Accept
35.04	Te Ruunanga o Ngaati Mahuta ki te Hauaauru	Support with amendment	Hapū and Iwi Planning Documents	Add the following into the Hapū and Iwi Planning Documents section of the Mana Whenua chapter: <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>	Accept
FS20.04	Sheryl Paekau	Support		I seek that the whole of all submissions provided by the Ruuananga be allowed	Accept
38.02	TTRMC	Amend	Treaty Settlement interests	Amend Treaty Settlement Interests in the Mana Whenua chapter as follows: <u>6 Maniapoto – Agreement in Principle signed on 15 August 2017 – the Maniapoto Claims Settlement Act 2022.</u>	Accept
FS20.31	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
38.03	TTRMC	Amend	Treaty Settlement interests	Amend the Mana Whenua chapter to refer to "Whare" rather than "Regional Management Committee".	Accept
FS20.32	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
45.01	Marama Henare-Waho	Support with amendment	Entire chapter	Amend chapter 15 Mana whenua to include Ngati Tu and Ngati Wai and whanau.	Reject
FS20.185	Sheryl Paekau	Support		I seek that all of the matters involving Maaori sites of significance be addressed in	Reject

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				the correct way.	
FS20.196	Sheryl Paekau	Delete		I seek that this part be disallowed but the provision be addressed in the right manner.	Accept
FS23.209	Te Nehenehenui	Support		<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points.</p>	Reject
45.02	Marama Henare-Waho	Support with amendment	Entire chapter	Amend chapter 15 Mana whenua to note that mana whenua is held by the hapu and whanau who hold the mana of that area.	Accept in part
FS20.186	Sheryl Paekau	Support		I seek that all of the matters involving Maaori sites of significance be addressed in the correct way.	Accept in part
FS20.197	Sheryl Paekau	Delete		I seek that this part be disallowed but the provision be addressed in the right manner.	Accept in part
FS23.210	Te Nehenehenui	Support		<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points.</p>	Accept in part
45.03	Marama Henare-Waho	Support with amendment	Entire chapter	<p>Amend chapter 15 Mana whenua to note that consultation and engagement with mana whenua will occur directly with hapu and whanau who hold mana whenua and not the iwi authority.</p> <p>And</p>	Accept in part

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				Amend chapter 15 Mana whenua to delete the reference to Maniapoto Māori Trust Board as it no longer exists.	
FS20.187	Sheryl Paekau	Support		I seek that all of the matters involving Maaori sites of significance be addressed in the correct way.	Accept in part
FS20.198	Sheryl Paekau	Delete		I seek that this part be disallowed but the provision be addressed in the right manner.	Accept in part
FS23.211	Te Nehenehenui	Support		<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points.</p>	Accept in part
50.06	Te Nehenehenui	Amend/add	Mana whenua section	Amend the Te Ao Māori section to reference the Regional Management Committees (RMCs) and update to Ngā whare o Te Nehenehenui. Include and acknowledge the whare representatives that formed the mana whenua working group:); Te Whare ki Ngā Tai o Kāwhia, Te Whare ki Mōkau, Te Whare ki Hauāuru-ki-uta, Te Whare ki Te Tokanganui-a-noho and representatives from Te Hau Kāinga o Pureora.	Accept
FS20.204	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
50.07	Te Nehenehenui	Amend/add	Mana whenua section and throughout the Proposed District Plan	Add where necessary in this section and other schedules and provisions throughout the Proposed District Plan which require updating. Reference and add consistent material from the Maniapoto Deed of Settlement, Maniapoto Claims Settlement	Accept

Submission No	Submitter	Support/in part/oppose	Plan Provision	Relief Sought	Recommendation
				Act 2022 e.g where Maniapoto Māori Trust Board was listed as the iwi authority, the new name is Te Nehenehenui Trust	
FS20.205	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
50.16	Te Nehenehenui	Amend	Whole plan where it references the Maniapoto Deed of Settlement to the Maniapoto Claims Settlement Act 2022	Amend 6. to update the status of the Maniapoto Deed of Settlement, Maniapoto Claims Settlement Act 2022.	Accept
FS20.214	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept

37. WRC, Te Nehenehenui and TTRMC request that the Treaty Settlement Interests section is updated to amend Maniapoto from Agreement in Principle signed on 15 August 2017 to the Maniapoto Claims Settlement Act 2022. It is recommended that the relief sought in these submissions should be accepted, as the Maniapoto Claims Settlement Act 2022 has now received royal assent and should be updated in this chapter. Please see Appendix 2 for the recommended changes.
38. WRC request that the plan is amended so that the term “Te ao Māori” is used consistently throughout the plan (Māori world view). It is not clear from their submission point what amendments are required to the plan to give effect to this relief. Noting that this issue has not been raised by mana whenua, it may be useful if WRC can provide some guidance at the hearing on what specific amendments they are seeking. In the interim, it is recommended that this submission point is rejected.
39. Te Ruunanga o Ngaati Mahuta ki te Hauaauru request that this chapter is retained as notified. This relief is accepted in part, as based on submissions there are a number of minor amendments that need to be made from the notified version.
40. Marama Henare-Waho requests that chapter 15 is amended to include Ngati Tu and Ngati Wai and whanau. It is not clear from this submission which part of the chapter the submitter is requesting be amended. It would

be helpful if the submitter could provide some guidance at the hearing on what specific amendments they are seeking. In the interim, it is recommended that this submission point is rejected.

41. Marama Henare-Waho has requested that Chapter 15 be amended to note that mana whenua is held by the hapu and whanau who hold the mana of that area. This submission is accepted in part, as it is considered that this relief is already provided for within the Te Ao Maori section of this Chapter. It is acknowledged the role that hapu and whanau play in regard to mana whenua is implicit, and as such no amendment is recommended, but the submission point can be accepted in part.
42. Marama Henare-Waho requests that Chapter 15 is amended to note that consultation and engagement with mana whenua will occur directly with hapu and whanau who hold mana whenua and not the iwi authority. The submitter also requests deletion of reference to Maniapoto Māori Trust Board as it no longer exists. Te Nehenehenui have also sought this correction.
43. It is recommended that the relief sought is accepted in part, as the process for consultation and engagement with regards to RMA related matters (resource consents, district plan reviews and enforcement) within the Maniapoto Rohe is currently being progressed through the Maniapoto Joint Management Agreement (JMA). The JMA sets out the process for consultation and engagement with regards to RMA matters. However, under the current draft JMA, the initial engagement is to be with the mandated iwi authority (Te Nehenehenui), and then it is the role of the mandated iwi authority to direct the applicant to the appropriate whare, which will involve consultation with mana whenua. Additionally, throughout the plan the provisions set specific requirements for consultation with mana whenua as matters of discretion. This includes direct consultation and engagement being provided for in the cultural impact assessment process.
44. It is recommended that the references to the Maniapoto Māori Trust Board should be amended to Te Nehenehenui Trust, as this is the mandated iwi authority that has replaced the Maniapoto Māori Trust Board.
45. Te Nehenehenui and TTRMC have requested that the Te Ao Māori section be amended to remove the reference the Regional Management Committees (RMCs) and update this to Ngā whare o Te Nehenehenui (this reflects the name change from Regional Management Committees to Whares). Te Nehenehenui have also requested that this section be amended to include and acknowledge the whare representatives that formed the mana whenua working group:); Te Whare ki Ngā Tai o Kāwhia, Te Whare ki Mōkau, Te Whare ki Hauāuru-ki-uta, Te Whare ki Te Tokanganui-a-noho and representatives from Te Hau Kāinga o Pureora. It is considered that this submission should be accepted as the amendments provide a useful update to the plan. Please see Appendix 2 for the recommended changes.
46. Te Ruunanga o Ngaati Mahuta ki te Hauaauru have requested that Council amend this section of the chapter by including the following wording:

'Council recognises that, as Treaty claims are settled, there may be other iwi authorities who wish to be recognised within the Waikato District'. Noting the submitter likely means 'Waitomo District'.

47. It is considered that this relief can be accepted, as it is acknowledged that over time additional treaty settlements may occur within the district. Please see Appendix 2 for the recommended changes.
48. Te Ruunanga o Ngaati Mahuta ki te Hauaaauru have requested that Council amend this section of the chapter by including the following wording: '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'. It is recommended that this amendment is included in the plan. Please see Appendix 2 for the recommended changes.
49. Section 32AA: The changes proposed above update the legislative context, updates the new Trust entity and its associated bodies and provides information relevant to the mana whenua chapter. The amendments have no effect on the policy or rule framework. A section 32AA evaluation is not required.

Topic 4: Remaining provisions requiring amendment

50. Please see Appendix 1 for the submission points.
51. Fish and Game request specific methods and rules for the management of Council land, specifically for freshwater. This approach includes mapping all land owned and controlled by Council and applying a set of methods, including rules to achieve the following:
 - Ensuring public access to waterways is provided for.
 - Introducing a new rule requiring a 20m setback between activities which may contaminate waterways and the bed of the waterway.
 - Introducing new rules controlling drainage, fertiliser and pesticide use.
 - Introducing a new method and rules to phase out existing polluting activities, and phase in new activities and modify existing activities so that they are less impactful or intrusive on freshwater.
 - Introducing a new rule for riparian land which is not currently under lease, or for which the lease expires, that it is retired from uses which may pollute freshwater.
 - Including a provision to ensure a plan is made for the land's restoration.
52. Investigations have been made to see how other councils are tackling the above issues. Some of the matters listed above are not functions of district plans (eg: controlling fertiliser and pesticide use). Others appear to be more along the lines of a council strategy to manage activities, and other could be controlled by the provisions of a reserve management plan. It is not clear what regulatory mechanism could or should be employed to address these matters. As such, clarification from Fish and Game is

welcomed in order to better understand what the best practice might be. In the interim it is recommended that this submission point is rejected.

53. Appendix 2 sets out the cultural impact assessment process. One submitter requests the appendix removes reference to the intellectual property ownership of the process. Intellectual property wording is used in the Maniapoto Environmental Management Plan (see Appendix 1, pg 113) in a similar manner and it is considered appropriate to retain this reference. Permission to use the process was granted. Te Nehenehenui request that the Appendix states that where a Cultural Impact Assessment is required, this process must include engagement and consultation with iwi, mana whenua or whare representatives. While this approach is both implicit and stated in the TWEAR process, it is agreed that it would be useful to state this upfront in the Appendix. The recommended amendment would read:

Tāngata Whenua Effects Assessment Report

he Tāngata Whenua Effects Assessment Report ('TWEAR') is a document that is prepared individually or collectively by tāngata whenua that may be potentially affected by a proposed activity, policy or process. Those involved in preparing the TWEAR should be resourced according to pre-agreed arrangements with the applicant (refer section 3.0 on consultation and engagement processes in the Maniapoto Environmental Management Plan 2018). Where a TWEAR is required, this process must include engagement and consultation with iwi, mana whenua or whare representatives and the TWEAR must be reviewed by the applicable representative(s) to ensure the cultural values of Maniapoto are included.

54. Section 32AA: This amendment outlines what is both implied and stated in the process. It clarifies the consultation and engagement protocols required for this process. It is not a change to the policy or rule framework. A section 32AA evaluation is not required.
55. The Fuel Companies request the definition of 'significant hazardous facility' is amended to exempt the underground storage of diesel and petrol. It is recommended that the following wording is appropriate, as underground fuel storage is not contained in the definition and should be provided for:

significant hazardous facility	<p>means any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (a) Manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints); (b) Oil and gas exploration and extraction facilities; (c) Purpose built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale or restricted commercial supply; (d) The above ground storage of more than 50,000 L of petrol; and (e) The aboveground storage of more than 100,000 L of diesel; (f) The storage/use of more than 6 tonnes of LPG; (g) Galvanising plants; (h) Electroplating and metal treatment facilities; (i) Tanneries; (j) Timber treatment;
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	<p>(k) Freezing works and rendering plants;</p> <p>(l) Wastewater treatment plants;</p> <p>(m) Metal smelting and refining (including battery refining or recycling);</p> <p>(n) Milk treatment plants;</p> <p>(o) Fibreglass manufacturing;</p> <p>(p) Polymer foam manufacturing;</p> <p>(q) Asphalt/bitumen manufacture or storage;</p> <p>(r) Landfills;</p> <p>(s) The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment; and</p> <p>(t) Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016.</p> <p>For the avoidance of doubt, the following activities are not significant hazardous facilities:</p> <p>(i) The incidental use and storage of hazardous substances in minimal domestic scale quantities;</p> <p>(ii) Retail outlets for hazardous substances intended for domestic usage (eg supermarkets, hardware stores, and pharmacies);</p> <p>(iii) The incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities;</p> <p>(iv) Pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage;</p> <p>(v) Fuel in motor vehicles, boats, airplanes and small engines;</p> <p>(vi) Temporary Military training activities;</p> <p>(vii) The transport of hazardous substances; and</p> <p>(viii) Emergency management activities; and</p> <p>(ix) <u>The underground storage of petrol and diesel at service stations and underground storage of jet fuel at airports that is undertaken in accordance with HSNOCOP 44 Below Ground Stationary Container Systems for Petroleum – Design and Installation and HSNOCOP 45 Below Ground Stationary Containers Systems for Petroleum – Operation</u></p>
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56. Section 32AA: See Appendix 3.

57. Graymont request the definition of 'significant mineral resources' is amended to include the assessment criteria for defining significant mineral resources as per UFD-M29 of the Waikato Regional Policy Statement (WRPS). Changes were proposed to the overview of the rural production zone at paragraph 25 in that section 42A report, to refer to the criteria. It is not considered that the definition needs to repeat the method in the WRPS, however it is recommended that the definition is updated to refer to the newly renumbered WRPS. The recommended change would read:

significant mineral resources means sites identified in accordance with the criteria contained in UFD-M29 Method 6.8.1 of the Waikato Regional Policy Statement.

58. Section 32AA: This amendment updates the cross reference to the renumber WRPS. It is not a change to the policy or rule framework. A section 32AA evaluation is not required.

59. A number of submissions did not specify the relief required or couched the submission in terms that were not clear enough to respond it. It is recommended that submission points 52.01, 54.01, 57.01 and 58.01 are rejected for this reason.

Topic 5: Submissions that have not been considered in other S42A Reports

60. The remainder of submission points associated with this topic are addressed directly in Appendix 1.

APPENDIX 1 RECOMMENDED AMENDMENTS

APPENDIX 2 AMENDED CHAPTER – MANA WHENUA

APPENDIX 3 SECTION 32AA EVALUATION