

# Submission to the Notified Waitomo Proposed District Plan

23<sup>rd</sup> December 2022

Ko Tainui te waka

Ko Ngāti Hikairo, Ngāti Maniapoto, Ngāti Kinohaku, Ngāti Rāua, Ngāti Tama oku Iwi

Ko Kura Stafford ahau

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

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

### 1. Māori Purpose Zones & Maps – SUPPORT IN PART

The MPZ are based around Marae in the Waitomo District. **I support in part** the provision for Papakāinga and Marae purpose living close to the marae because Marae are integral to Māori culture and focus for whānau, hapū and Iwi customary activities, practices, tikanga, kawa; and expressions of manaakitanga, kaitiakitanga, rangatiratanga, powhiri.

The MPZ and Marae provisions give effect to RMA s6e matters: the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The provisions to enable residential living for whānau and kaumatua is important and required to remove barriers for Māori access to affordable housing initiatives on tupuna Marae whenua.

However, the Draft Waitomo Plan can be further enhanced to enable the development of Māori owned land referred to in the Māori Land Court as Māori Freehold land (ancestral lands), that will also give effect to section 6 of the RMA.

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 land.

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

**I support the provisions in part** that are made for papakaainga on rural Māori land GRUZ and also in areas identified in Residential and Treaty Settlement zones.

However, I find it very limiting for whanau /Māori landowners to be able to meet their aspirations of returning to their ancestral land (s6(e)), to develop papakaainga as whānau groups.

Some Māori land blocks are quite large in size and have multiple owners. The current Operative Plan offers one house per Certificate of Title, the Proposed District plan will offer houses for 6 families. Even though papakaainga and Co-housing are being treated the same, this is not enabling enough to provide for Māori to use their land, under its complex administration and governance provisions Under the Te Ture Whenua Māori Act.

Māori land tenure is managed differently to general land and one house per certificate title. Māori land tenure has multiple-ownership of descendants that whakapapa to whenua belonging to tupuna. The Proposed Plan will offer 6 homes on one title. However, with multiple ownership, only 6 families will be able to build on tupuna whenua. There may potentially be up to 100 whānau members who have interest in the one parcel of multiple owned Māori land.

I suggest the Proposed District Plan can be improved by enabling the Māori landowners to decide how many houses they need for their whānau and not limiting it to just six whānau members on one fee simple title.

I suggest the restrictions on the number of houses for Māori land should be removed. Māori landowners should be afforded the opportunity to use tikanga, kawa, Mātauranga to develop their lands for their future development and for successive generations.

Sustainable Māori land development includes cultural economic activities, such as, carving, kohanga reo, kaumatua flats, raranga, Rongoa, mara kai (gardens).

The Proposed District Plan should also provide for papakāinga housing areas that includes communal use buildings, such as, food preparation spaces, dining areas, conference facilities, sanitary facilities and accommodation. Whanau like to gather on their tupuna whenua where they can live, play, learn together and build their own cultural, spiritual and economic capacity and capability.

The Proposed District Plan rules can be barriers for whānau that want to return to their tupuna whenua to live.

## **The Waikato District Council Proposed Plan**

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

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

#### **ML-P2 Non-regulatory policies. {CONSQ}**

(1) Council will work with iwi, hapuu and whaanau to encourage and support the comprehensive, co-ordinated and efficient development of Māori land.

(2) Alongside partner agencies, Council will support and promote the use of best practice guidance and toolkits for Māori housing, including Te Kete Paaraha Mo Nga Papakaainga Ki Waikato: Waikato Māori Housing Toolkit, to assist iwi and hapuu in the development of Māori land.

## Rules

(1) The rules that apply to Māori 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 Māori Land:

(i) Rule WWS-R15 (Outfall structures located within an Identified Area);

(ii) Rule TRPT-R1(1)(a)(ix) (Vehicle access for all activities);

(iii) Rule TRPT-R2(1)(a)(v) (On-site parking and loading);

(iv) Rule TRPT-R2(1)(a)(vi) (On-site parking and loading);

(v) Rule TRPT-R2(1)(a)(x) (On-site parking and loading); and,

(vi) Rule TRPT-R3(1)(a)(vii) (On-site manoeuvring and queuing).]

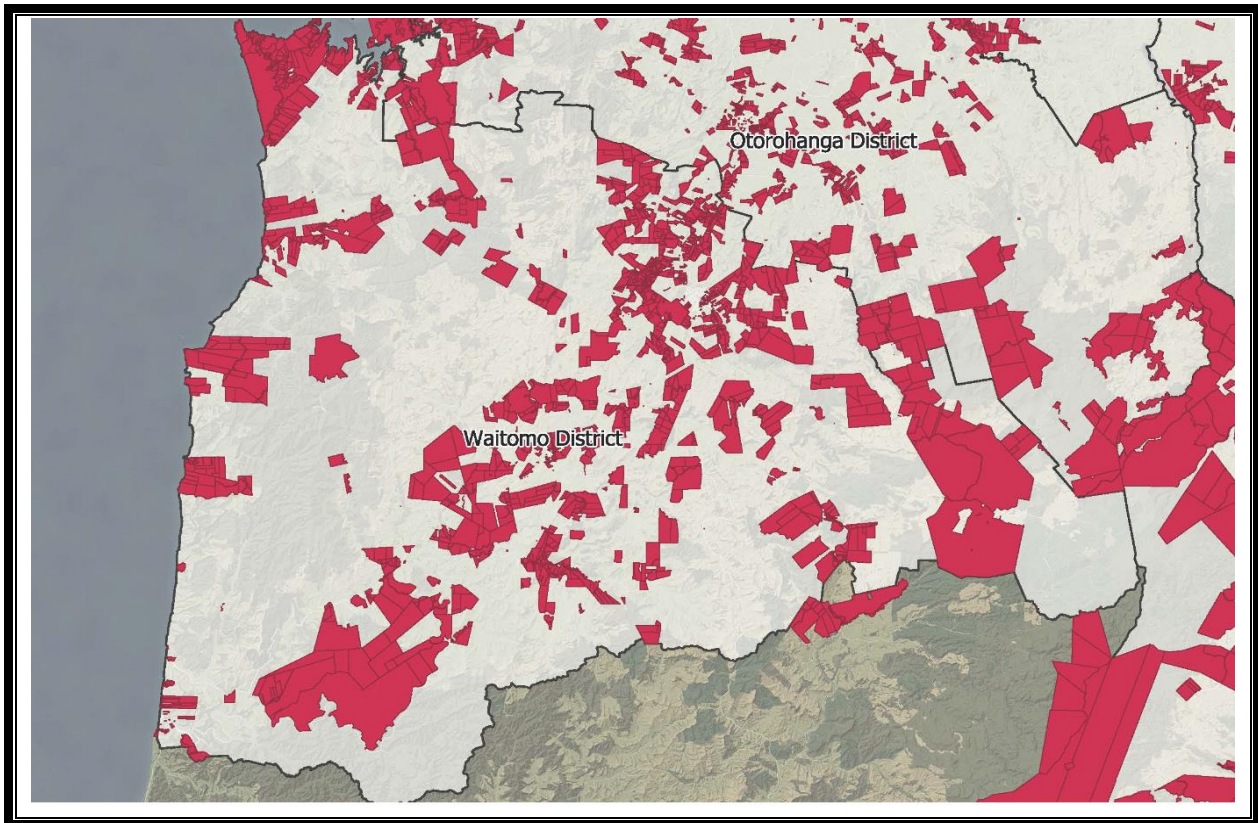
## RMA Section 6:

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

Section 6(e)

*“the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”*

Within the Waitomo district, there is extensive Māori land. It is important that barriers to Māori land development are removed and whānau have the ability to utilise their lands in the future.



### What decisions am I seeking from the Council?

1. **RETAIN**- the provisions to provide papakaainga development around each Marae in the Residential, Settlement and General Rural zones, however, it is recommended to recognise Māori freehold land and Treaty Settlement Land (General Land used for Māori purpose) rather than a zoning approach.
2. **AMEND** the plan to enable the development of Māori Freehold land (ancestral lands) inherited by whakapapa, that will better give effect to section 6 Matters of the RMA.
3. **AMEND** the Waitomo Draft Proposed District Plan to include the same approach that has been adopted by Waikato District Council in the Appeals Version of the Proposed District Plan for Māori Land (which includes Māori Freehold Land and Treaty Settlement Land. (see above rule framework above).

Thank you for this opportunity to make a submission on the Proposed District Plan.

Nāku noa, nā

Kura Stafford