

Late Submissions for Proposed Plan Change 5

Waitārere Beach Growth Area

**Late Submission 16 - Siobhan Karaitiana on behalf of Muaūpoko
Tribal Authority**

SUBMISSION FORM: Proposed Plan Change 5: Waitārere Beach Growth Area.

Horowhenua District Plan (2015)

Resource Management Act 1991

Form 5 of Resource Management (Forms, Fees, Procedure) Regulations 2003

Submissions can be:

Delivered to: Horowhenua District Council Offices, 126 Oxford Street, Levin
Posted to: Strategic Planning, Horowhenua District Council, Private Bag 4002, Levin 5540
Faxed to: (06) 366 0983
Emailed to: districtplan@horowhenua.govt.nz

Submissions **must** be received no later than **4pm Tuesday 27th April 2021.**

Note: You must fill in all sections of this form.

1. Submitter Contact Details

Full Name: ...Siobhan Karaitiana.....
 Name of Organisation: *(If on behalf of an Organisation)* Muaūpoko Tribal Authority
 Address for Service:306 Oxford Street, Levin.....
 Post code: ...5510.....
 Telephone (Day time): ...027 342 8400..... Mobile: ...027 342 8400.....
 Email: ..siobhan@kahuenviro.co.nz.....

2. Trade Competition

I could gain an advantage in trade competition through this submission: Yes No

I am directly affected by an effect of the subject matter that:
 (a) adversely affects the environment; and
 (b) does not relate to trade competition or the effects of trade competition: Yes No

Please note that 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 of Schedule 1 of the Resource Management Act 1991.

3. The specific provisions of the Plan Change that my submission relates to are as follows: *(Please specify the Policy, Rule or Map reference your submission relates to)*

.....Proposed Plan Change 5 in its entirety

..... (Continue on a separate sheet if necessary)

4. My submission is that: (Clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed Plan Change, giving reasons for your views)

.....Oppose in Part- see attached submission

.....

.....

.....

.....

.....

..... (Continue on a separate sheet if necessary)

5. I/We seek the following decision from the Horowhenua District Council: (Give details of what amendments you wish to see and your reasons, be specific)

.....See attached submission for requested amendments

.....

.....

.....

..... (Continue on a separate sheet if necessary)

6. Proposed Plan Change Hearing

Do you wish to speak in support of your submission at the hearing? Yes No

If others make a similar submission would you be prepared to consider presenting a joint case at the hearing? Yes No

Would you like to make your verbal submission in Te Reo Māori? Yes No

Sign language interpretation required? Yes No

I have attached ...xx..... additional pages to this submission.

S. Karaitiana

Signature of Submitter: **Date:** ...July 10, 2021....
 (Or person authorised to sign on behalf of submitter)

Privacy Act 1993
 Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Plan Change process. The information will be held by the Horowhenua District Council, 126 Oxford Street, Levin. You have the right to access the information and request its correction.

INTRODUCTION: MUAŪPOKO

Muaūpoko are descendants of the original peoples to inhabit the land within the Horowhenua, Kapiti, Wellington, Manawatū and Whanganui areas. They maintain their Ahi Kā (enduring connection and occupation) and kaitiakitanga within the Plan Change 5 (PC5) area despite migration of other iwi into their rohe throughout the 19th and 20th centuries. Muaūpoko have a connection to the PC5 area that goes back nearly 1000 years. The traditional name for Waitatere Beach is Okatia, Okatia is a supernatural being in the form of an enormous totara log who after an incredible journey to create the Manawatū River came to rest along the Horowhenua Coast. Muaūpoko Tribal Authority (MTA) was established in 1997 as an Incorporated Society. Its main purpose is to protect Muaupoko identity, assets and to build a stronger economic, social and culture base for the Muaupoko people. MTA has continued to support Muaupoko Iwi aspirations in all spheres of life.

THE SPECIFIC PARTS OF THE PROPOSAL THAT MY SUBMISSION RELATE TO ARE:

Policy 6.3.30A:

- Maintains important cultural and archaeological sites, including sites of significance to mana whenua.
- Maintains and aligns with the area's distinctive natural dune landforms.

OPPOSE RESIDENTIAL ZONING WITHIN OTOROROA DUNE SYSTEM

Objective 5 of the National Policy Statement Urban Development 2020 (NPSUD): Planning decisions relating to urban environments, and FDSs, take into account the principles of Te Tiriti o Waitangi.

Policy 9: Local authorities, in taking account of the principles of Te Tiriti o Waitangi in relation to urban environments, must:

- Involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and**
- When preparing planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and**
- Provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations,**

- heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and**
- d) Operate in a way that is consistent with iwi participation legislation.**

Effective consultation in line with tikanga Māori requires hui/wānanga kanohi ki te kanohi (face to face). It requires an enabling approach because historical Treaty Breaches by the Crown have left Muaūpoko in the purposeful position of resource scarcity to prevent them from exercising their kaitiakitanga within their rohe.

MTA were provided with PC5 documents via email on the 8th or 9th of December 2020 and given until 22 January 2021 to provide a response. This coincided with a period where key people were away. Muaūpoko were therefore not enabled during this time to participate in development of PC5. Thus, provisions to protect their values and provide for their aspirations for urban development, including in relation to sites of cultural significance, in Waitarere have not always been considered in the development of the policies and rules, structure or zoning plans. Hence it was important to be able to have this opportunity to participate.

Relief sought

- 1) The hearing panel accept this late submission from MTA.
- 2) The hearing panel consider and adopt the relief sought in this submission.

Section 6e of the Resource Management Act 1989 (RMA): 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:

- e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.**
- f) The protection of historic heritage from inappropriate subdivision, use, and development.**

The Otororoa Dune system (Figure 1) dominates a significant area of the Plan Change zone. Within the dunes rests Muaūpoko ancestors and evidence of their day to day lives. This dune belt was a main urupā for Muaūpoko, the whole dune system is considered a significant site and wāhi tapu whom Muaūpoko ancestors are part of. The health and wellbeing of Otororoa has suffered already throughout colonisation as a result of land use practices. Horowhenua District Council (HDC) propose to zone the entire dune area within PC5 as residential, enabling the complete destruction of a large area of Otororoa. This zoning will result in an immense impact on Muaūpoko, including deterioration of the spiritual relationship between Muaūpoko

and their ancestral lands, sites, wāhi tapu and ancestors. The zoning plan does not adequately recognise or provide for the protection of historic heritage and the connection of Māori to their ancestral lands, sites and wāhi tapu.

“The dunes are a waahi tapu. Before Christianity and missionaries brought the concept of burial in European-type graveyards with marked graves and coffins, our dead were interred in the dunes. The dunes moved with an ebb and flow, and eventually our dead became part of the dunes. This is as it should be for the dunes have a whakapapa superior to ours—Papatuanuku, Tangaroa, Tawhirimatea..... Movement is an essential part of the process” (Wai 2200 Waitangi Tribunal Report).

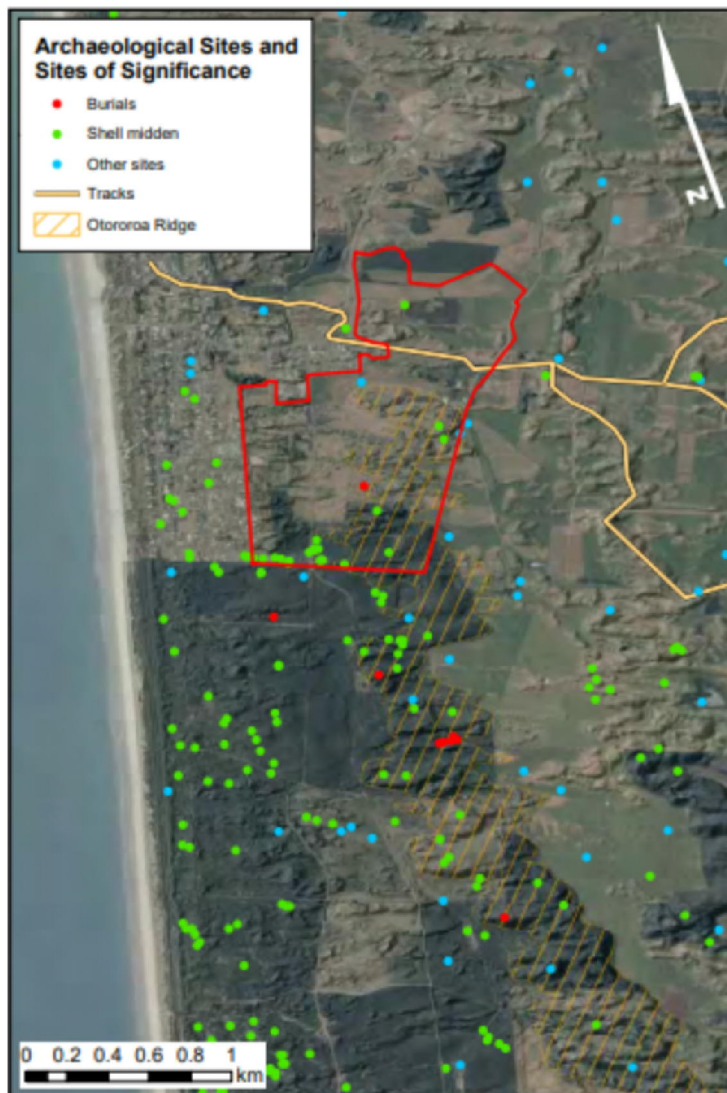


Figure 1: MTA oppose residential zoning within Otororoa Dune system within PC5

Relief sought

- 3) Residential zoning is removed from the Otaroroa Dune system, including a buffer zone. The area is set aside as open space to provide for Muaūpoko culture and traditions.
- 4) To require a Comprehensive Reserve Management Plan for Otororoa Dunes, including how adjacent subdivision will protect Muaūpoko values associated with the dunes.
- 5) A Cultural Impact Assessment is required to support earthworks within the PC5 area to assess how the development will impact on Muaūpoko values and wāhi tapu including Otororoa Dunes.

The population within Waitarere will increase significantly beyond current levels as a result of the enabling approach of PC5 to residential development. Existing access ways down to Okatia already cause a major impact on the ability of Muaūpoko taonga such as toheroa and pingao to thrive. Intensifying use of the recreation in the foreshore through growth will create an increase in negative impacts on Muaūpoko taonga that must be considered in the plan change process. It would not be appropriate to consider these effects within a regional planning context because of the staged and incremental manner by which housing develops.

Relief sought

- 6) Effects of recreation use of the coastal area are managed through the creation of a co-management plan between MTA and Horowhenua District Council. Policy 6.3.30A must then give effect to this co-management plan.

Policy 6.3.30A:

- Protects and restores ecological features within the area, including naturalisation of the Wairarawa Stream and related watercourses in the Lakes area.
- Provides a diversity and distribution of accessible open space that offers: a range of recreational opportunities for residents; and opportunities to enhance the local ecology and to connect to downstream environments.

SUPPORT WITH AMENDMENTS

Objective (1) of the National Policy Statement for Freshwater 2020 (NPSFM) ensures that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Muaūpoko have been alienated from 98% of their wetlands/traditional mahinga kai sites across their rohe. Wairarawa Lagoon is one of the few remaining mahinga kai sites. It is a wāhi tapu that once contained thriving tuna hunting grounds (Pā tuna) and Eel Weirs.

PC5 is enabling residential development and intensification around the Wairarawa Lagoon that will have negative impacts on Te Mana o te Wai and Muaūpoko freshwater values. The plan change must ensure freshwater will be managed in a way that gives effect to Te Mana o te Wai and provides for Muaūpoko values with freshwater.

Relief sought

- 7) To require a Comprehensive Reserve Development Plan to be lodged at the time of subdivision surrounding the lagoon and wetland areas/open space.
- 8) Muaūpoko freshwater values and Te Mana o te Wai principles must be provided for within the Reserve Development Plan including Muaūpoko rangatiratanga, kaitiakitanga, the mauri of the waterbody, and enhancement of taonga species habitat.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected

Wairarawa Lagoon is proposed to be zoned as Open Space through the Plan Change. Muaūpoko support the Open Space zoning however are concerned

about how the zoning has taken place. Muaūpoko have no certainty that the fullest extent of natural habitat has been protected. Muaūpoko aspire to see that wetland restoration opportunities in the headwaters of the lagoon are provided for to improve water quality and biodiversity values. Muaūpoko say that residential development surrounding Wairarawa has a high potential to negatively impact Wairarawa freshwater ecosystems and their health and wellbeing. The relief sought will provide a pathway to mitigate adverse effects and promote positive effects by creating restoration opportunities and improve water quality.

Relief sought

- 1) An assessment of wetland habitat is undertaken as part of the Wairarawa Reserve Development Plan by a suitably qualified ecologist to ensure all natural wetland extent associated with Wairarawa has been protected. This report is provided to Muaūpoko.
- 2) That the open space zone is extended to encompass wet paddock to the east that is currently zoned residential (figure 2) to provide for Muaūpoko values and aspirations of sustainable development, restoration and ecological enhancement in subdivisions (as per the NPS UD Policy 9b). Muaūpoko aspire to see the mauri of this area restored through planting of indigenous wetland vegetation, controlling invasive weeds and pest mammals to provide for these values.



Figure 2: The area outlined in red should be rezoned as open space, to provide for Muaūpoko values and aspirations of restoring the health of Wairarawa.

Late Submission 17 - Justin Tamihana and Wayne Kiriona on behalf of Ngati Huia ki Poroutawhao and Ngati Huia ki Matau.

Submission – Proposed Plan Change 5: Waitarere Beach Growth Area

Submitter Contact Details –

Name – Justin Tamihana and Wayne Kiriona on behalf of Ngāti Huia ki Poroutawhao and Ngāti Huia ki Matau.

Email – nuamungo@gmail.com, justintamihana@gmail.com

Do you wish to speak in support of your submission at the hearing? – Prepared to be present at hearing and answer questions if required.

Signature -



pp on behalf

General Comments

The Wairarawa Lagoon and surrounding lagoons/lakes/systems represent major areas for providing kaimoana for Ngāti Huia. There is concern that further development in the surrounding areas could further damage this habitat by encroaching towards these areas. From the documents available on Council's website, it is unclear if there is sufficient evidence to demonstrate if these areas will be sufficiently protected during and following residential development. The Waitarere rise development is adjacent to a number of these lakes and the full impacts are not yet known of the impact development has had to these important areas. There is concern that further development could see potential effects increase to these sensitive environments, and as above there is uncertainty regarding the long-term effects of this extent of development.

Relief sought: Council to provide Ngāti Huia with the ecological assessment undertaken to support the plan change and identify setbacks from the sensitive waterbodies.

Ngāti Huia wish to be able to access the lakes for customary use, this requires not only for access to be retained but for habitat to be sufficiently protected and enhanced to allow for these to occur. In addition, we support that no commercial activities should occur in or adjacent to these areas.

While the language used in the proposed plan change is "to encourage development that is responsive to the topography to support the retention of the natural character of the area.' Ngāti Huia consider that the language should be strengthened to better protect the landscape and in particular the natural dune landscape, the desire is to ensure that development must be designed and built with the landscape rather than widespread modification of the landscape/dune. It is noted that the future growth areas are located on dune systems of Waitarere, Motuiti and Foxton. As some active, stable and inland dune systems can also be Schedule F habitat, it is sought that these potential areas be identified and quantified as well. As earthworks in these areas are restricted by the One Plan rules, this would reduce risk for potential developers as well as providing more certainty that these areas are accounted for and can be protected.

Relief sought: Council to identify any ecologically sensitive areas on the structure plan and ensure corresponding rules limit the destruction and impacts of development on these areas.

It is important that all infrastructure is of a standard to support any new development. However, in addition Ngāti Huia consider it is also important to encourage eco-development as this encourages on site sustainability as well as reducing pressure of wider infrastructure. It is noted (and supported) that domestic scale renewable energy devices are permitted in the residential zone currently. Further encouragement of other initiatives such as rainwater tanks could be encouraged however as a wider initiative.

Ngāti Huia wish to better understand what the mechanisms are for capturing and reporting on ongoing effects – ideally this would recognize that there are a number of agencies/organisations that would capture information. Ngāti Huia would wish to see policies that would require information to be collated from multiple agencies and this interpreted and reported on in relation to the wider environmental issues such as impacts on the landscape, biodiversity and water quality and how these are impacted on by urban development but ideally across the District in the longer term.

While it is acknowledged that Ngāti Huia had the opportunity to comment on the proposed structure plan, it is considered that there is a disconnect between the outcomes sought in the master plan and the policies proposed in the plan change. The policies do not go far enough to support the outcomes sought in the master plan. As noted above Ngāti Huia have concerns regarding restoration and protection of ecological features and adequacy of importance of cultural heritage.

From a social perspective it is considered that the fabric of the township should be able to be maintained, there is concern that an ‘old and new’ feeling could be created that would not be beneficial. It is not desirable to see growth for growths sake, especially for non-resident population (e.g. just holiday makers) as this would alter the fabric of the village feel. From the Waitarere Beach Community Plan the vision is noted as being “*Waitaere Beach is a safe, friendly settlement that has a relaxed beach character and lifestyle with a diverse population who know each other*”.

There is insufficient clarity regarding commercial development, the activities allowed are so broad so as to be considered all encompassing. Given that these are proposed to be allowed for by way of a Controlled Activity rule the concern is that it is unclear what outcomes would be achieved. There should be greater clarity of the commercial activities to allow for better understanding.

Ngāti Huia support the kaupapa of the surf club and wish to see that this is ongoing.

Ngāti Huia also wished to be involved with the development of naming conventions for streets or parks so as to ensure local connection to history is maintained.

Comments on specific policies (proposed policies are copied in bold text with comments below)

Proposed Policy 6.3.30A

Enable residential development in the area identified on Structure Plan 07A - Waitārere Beach that is in accordance with the structure plan and that:

- **Responds to significant landforms, including avoidance of residential development on the culturally important Otororoa Ridge.**

Wording should be strengthened so that activities avoid effects on all existing landforms, so that the natural landscape is not lost forever through modification and need to look at how could offset this loss than that still result in having net gains overall. **Maintains and aligns with the area’s distinctive natural dune landforms.**

Wording should be strengthened to avoid effects on natural dune landforms and this should be clear to reference all dune landforms. Effects on natural landforms should be avoided, as once they are modified they are gone forever so need to have mechanism to ensure get net gains, even if this is through offsetting.

- **Maintains important cultural and archaeological sites, including sites of significance to mana whenua.**

Wording should be strengthened so that effects are avoided and these areas are protected and provide guidance that this should include early engagement with Ngāti Huia (or local iwi?) and reference to wider cultural values, not just sites.

- **Protects and restores ecological features within the area, including naturalisation of the Wairarawa Stream and related watercourses in the Lakes area**

Wording should be strengthened and include reference to riparian areas and all the lakes and wetlands. This would be in keeping with the National Policy Statement for Freshwater Management.

Relief sought:

Amend Policy 6.3.30A to include specific reference to:

- Protect all the current dune landforms from earthworks, not just the Otororoa Ridge
- protection of cultural values associated with the waterbodies
- protection of cultural and archaeological sites
- include reference to riparian areas.

Additional polices should include

- Reference to supporting and encouraging eco development
- That development is not undertaken at a rate that far exceeds demand
- where effects cannot be avoided then mitigation or offsetting is required to ensure a net gain
- include reference to early consultation with local hapu
-

Policy 6.3.50A

Support the role and function of the existing Waitārere Beach commercial centre by controlling the nature and scale of activities that establish within the Waitārere Beach Mixed Use Area.

Policy 6.3.50B

Restrict the establishment of commercial activities that are of a nature or scale that would detract from the intended small scale and mixed use nature of the Waitārere Beach Mixed Use Area.

Examples of such activities include vehicle service stations, entertainment activities and commercial garages.

As above, there are concerns regarding impacts on existing businesses and the social fabric on the community. It appears that Rule 17.2(g) gives effect to these policies

Insert a new rule 17.2(g) Controlled Activities (g) Within the Waitārere Beach Mixed Use Area the following activities: (i) Retail Activities. (ii) Commercial Activities. (iii) Visitor Accommodation (iv) Community Activities

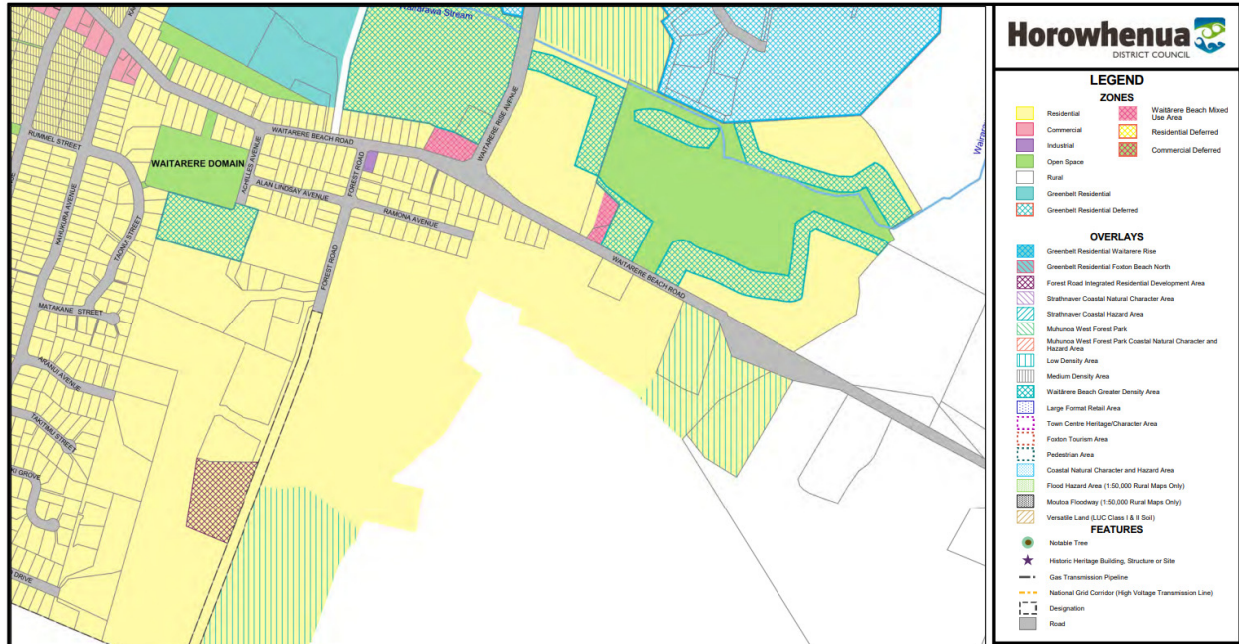
As above the concern is that these activities are so broad that a very wide range of activities would be provided for by way of the controlled activity. In addition there is no requirement for cultural values of an area to be considered or given effect to by the current plan provisions. It is unclear how the areas for commercial zone for development have come about. For Ngāti Huia the question remains - Are these the most suitable areas?

While accepting that these are provided for in a small and defined areas, consider that greater control should be placed on retail and commercial activities outside of these areas.

Ngāti Huia remain concerned that the proposed additional commercial zoned areas are scattered and not at the centre of the village. The inclusion of additional commercial zones areas should be guided by the principles of good urban design. The inclusion of these areas also seems somewhat at odds with the findings of the Waitarere Beach Commercial Land Assessment (August 2020) – it was noted in that report *263 Waitarere Rise Ave is at the edge of the village, not at its centre, has weak urban relationships and is on the wrong side of the road.* In addition, from the recommendations from that report-

In our view, the size of the Waitarere Rise proposed zone (4,000+ square metres) is too large and has the potential to facilitate the development of the future village centre in an area that would not provide the best outcome for the wider settlement for the reasons outlined above. Any commercial use on the corner of Waitarere Rise Ave and Waitarere Beach Road should be restricted to activities that would be complementary to the Village Centre, such as a restaurant or perhaps a cafe. Parking for any commercial development therefore should be on-street. We would, however, prefer such a use in the village centre but accept that property constraints and the likely on-site parking requirement of the primary use (the small supermarket) may render such a use as more difficult. As we would see the “commercial” component as minor and complementary to that which should evolve within the existing zones, it may be more appropriate to encourage a consent within the existing residential zone and requiring a site plan and an accompanying specific design proposition.

We recommend therefore, that rather than Council allowing a land use zone at 4,000+ square metres, with no in-depth understanding of what will be developed, that the size of the zone proposition is tied to a site plan showing the range and extent of commercial uses, and that the use or uses and their scale are complementary to the village centre.



Relief sought:

Include cultural values as a matter for Council to have control over when assessing consents. Include specific policy guidance on the cultural values of the area for considering future development, including commercial development. Require a Non-complying activity consent for commercial and retail activities beyond those areas shown on the structure plan. Clarification as to why the recommendations of the Commercial zone review report do not appear to have been supported.

Note that subdivision in accordance with the structure plan may be able to undertaken as a controlled activity (15.2(e) and matters of control 15.7.5), subject to meeting the standards. Control is reserved out effects on significant sites and features, including natural, cultural archaeological and historical sites. There is concern that insufficient attention is given to this – without discussion with iwi it is challenging to determine. Ngāti Huia consider that the Principles of the Treaty of Waitangi would be better given effect to by providing more guidance that early and meaningful engagement should be undertaken. This links to the proposed changes to Policy 6.3.30A sought by Ngāti Huia.

Ngāti Huia believe that early engagement is the most practical and pro active way to ensure that their cultural values will be adequately protected and wish to be able to undertake this in a positive and constructive manner with potential developers. Working with applicants to help inform and shape potential mitigation strategies will only be beneficial. While it is noted that policies in Chapter 1 reference encouraging engagement with Tangata Whenua where Council considered the activity may adversely effects areas of cultural significance or cultural values, Ngāti Huia consider that by having specific policies in place that are more location specific will facilitate better outcomes overall.

Relief sought:

Include requirement for engagement with Ngāti Huia before lodgment of a subdivision consent, including details of mitigation recommended by Ngāti Huia through any engagement

Amend Rule 15.7.5(a) Subdivision of Land – Matters of Control as follows:

xiv For sites in Structure Plan 07A Waitārere Beach the avoidance or mitigation of;

- **Liquefaction and lateral spread; or**
- **Surface water ponding or inundation.**

Insert a new condition in Rule 15.7.5(b) Subdivision of Land – Conditions as follows:

vi. Structure Plan 07A – Waitārere Beach

Where any land is within the area covered by Structure Plan 07A – Waitārere Beach in Schedule 8 all subdivision shall be accompanied by:

- **a report prepared by a suitably qualified and experienced geotechnical engineer that identifies any potential liquefaction and lateral spread risks and associated recommendations to mitigate these, including the location, design and construction of building foundations and supporting infrastructure, and**
- **a report prepared by a suitably qualified and experienced stormwater engineer that identifies any surface-water ponding and inundation risks and associated recommendations to mitigate these, including any measures to achieve hydraulic neutrality.**

Support the inclusion of these requirements as they are matters of concern to Ngāti Huia.

Relief sought:

Retain Rule 15.7.5(a) as shown above.

Insert a new subdivision assessment criterion in 25.1.5 - Structure Plans and Residential (Deferred) Zone Criteria as follows:

(g) The extent to which the subdivision of land covered by SP 07A - Waitārere Beach avoids or mitigates:

- **natural hazards;**
- **liquefaction and lateral spread; or**
- **surface-water inundation.**

Support the inclusion of these requirements as are matters of concern to Ngāti Huia.

Relief sought:

Inclusion of cultural values of the area

Avoids effects on natural dune landscapes