

Horowhenua District Plan

Proposed Plan Change 5 – Waitārere Beach Growth Area

Summary of Late Submissions (Ordered by Submitter)
Muaūpoko Tribal Authority & Ngāti Huia.

Summary of Late Submissions Notified on 26 November 2021

1. Introduction

This document, Summary of Late Submissions, summarises the decisions requested by Muaūpoko Tribal Authority and Ngāti Huia in their submissions received on Proposed Plan Change 5. Where no decision has been specifically requested, Council Officers have, where possible, inferred the decision requested from the text of the submission.

Proposed Plan Change 5 was publicly notified on 19 March 2021 with the period for submissions closing on 27 April 2021.

A total of 15 submissions were received in relation to the proposed change, and these were summarised and were included in the Summary of Submissions document that was notified on 28 May 2021 in accordance with Clause 7 of Schedule 1 of the Resource Management Act 1991 (RMA).

Since the close of submissions and further submissions, two late submissions were received, one from the Muaūpoko Tribal Authority and one from Ngāti Huia. A summary of the late submissions has been prepared and is now notified for further submissions.

It also includes the name and address of the two late submitters so that they may be served a copy of any further submissions relating to their submission.

A copy of the full submissions can be inspected at the following locations during opening hours:

- **Horowhenua District Council office:** 126 Oxford Street. Hours: 8.30am to 4.30pm on Monday to Friday.
- **Te Takeretanga o Kura-hau-pō:** 10 Bath Street, Levin. Hours: 9.00am to 5.30pm on Monday, Tuesday, Thursday and Friday, 10.00am to 5.30pm on Wednesday, 10.00am to 4.00pm on Saturday and 1.00pm to 4.00pm on Sunday.
- **Te Awahou Nieuwe Stroom:** 92 Main Street, Foxton. Hours: 09.00am to 5.00pm Monday to Friday, 10.00am to 4.00pm Saturday and Sunday.
- **Shannon Library:** Plimmer Terrace. Hours: 10.00am to 12 noon, 1.00pm to 5.00pm Monday to Friday, 10.00am to 12 noon Saturday.

The full submissions can also be viewed or downloaded from Council's website: www.horowhenua.govt.nz/PPC5

Please note that while copies of the other original and further submissions on this Plan Change are also available for viewing, Council is only receiving further submissions in relation to the Muaūpoko Tribal Authority submission and the Ngāti Huia submission.

While Council has prepared the summary which is now notified for further submissions, the decision as to whether to accept the late submissions (and by default, any further submissions specific to the two late submissions) will be made by the Panel hearing the plan change and included in their recommendation to the Council for a decision on the plan change. The Panel's discretion to accept the submissions (or otherwise) is provided for by s37 and s37A of the Resource Management Act (RMA).

2. Further Submissions

Further submissions must be in accordance with Clause 8 of Schedule 1 of the RMA. They can only support (in whole or in part) or oppose (in whole or in part) the submissions received on the proposed change, including any associated reasons. In supporting or opposing a submission only those matters raised in the original submission may be commented on.

The following persons may make a further submission in support of, or in opposition to, the late submissions received:

- Any person representing a relevant aspect of the public interest; and
- Any person that has an interest in the proposed plan change greater than the interest that the general public has; and
- Horowhenua District Council itself.

Any further submission should be made using Form 6 of the Resource Management (Forms, Fees, Procedures) Regulations 2003 or closely follow this format. Failure to include all necessary information or to complete the form correctly may prevent the further submission from being considered. Further Submission forms (Form 6) can be obtained from the Council Service Centres and Public Libraries or found on Council's website: www.horowhenua.govt.nz/PPC5

Further submissions will need to be supplied to Horowhenua District Council by **4:00pm on Friday, 10 December 2021**.

Further submissions can either be:

Delivered to: Horowhenua District Council, 126 Oxford Street, Levin

Posted to: Strategic Planning, Horowhenua District Council, Private Bag 4002, Levin 5540

Emailed to: districtplan@horowhenua.govt.nz

Filled in online at: www.horowhenua.govt.nz/PPC5

Important: Any person making a further submission on Proposed Plan Change 5 is required under Clause 8A of Schedule 1 of the RMA to send a copy of it to the person who made the original submission. The copy must be sent to the original submitter within five (5) working days of submitting the further submission to Horowhenua District Council.

Section 5 of this document includes the address for service of each person or organisation that has made a submission on Proposed Plan Change 5.

3. Process from here

Once the Further Submission period has closed (10 December 2021), a hearing date will be set and a Planning Report identifying and summarising all the submissions received will be produced. The Planning Report will provide an impartial assessment of the merits of the submissions, including whether the matters raised are valid considerations under the RMA. It will also contain any recommended amendments to the Plan Change to address matters raised by submitters.

Before a formal Council hearing is held, a pre-hearing meeting may be held to help clarify, mediate or facilitate a resolution on any matters raised in submissions.

The Planning Report will be circulated to all submitters and further submitters in advance of the formal Council hearing. At least 10 working days' notice will be given of the hearing date.

Anyone can attend the Council hearing, however only those submitters who have indicated that they wish to be heard will have the opportunity to speak. Submitters can nominate a representative or consultant to speak on their behalf.

The Hearing Panel will consider all relevant matters before making a recommendation to Council for a decision.

All submitters will receive formal notice of the decision on the Plan Change, including the reasons behind the decision reached. The decision will also be publicly notified.

Any submitter who is not satisfied with the decision has the further opportunity, under Clause 14 of Schedule 1 of the RMA, to lodge an appeal with the Environment Court.

4. Additional Information

For more information please contact Tiffany Gower, Strategic Planning Manager via:

Phone on 06 366 0999

Email at districtplan@horowhenua.govt.nz

5. Submitters

The following table provides the names and addresses for service of the two late submissions in relation to Proposed Plan Change 5. Each submission has also been assigned a unique reference number (e.g. 05/01).

The purpose of this table is to help any person who makes a further submission to meet their legal obligation to supply a copy of their further submission to the person who made the original submission. The copy must be sent to the original submitter within five (5) working days of submitting the further submission to Horowhenua District Council.

Sub. No.	Submitter Name	Address for service	Wish to be heard
05/16	Siobhan Karaitiana on behalf of Muaūpoko Tribal Authority	siobhan@kahuenviro.co.nz	Yes
05/17	Justin Tamihana and Wayne Kiriona on behalf of Ngati Huia ki Poroutawhao and Ngati Huia ki Matau.	Wayne: nuamungo@gmail.com Justine: justintamihana@gmail.com	Yes

6. Summary of Decisions Requested

The below table summarises the decisions requested or inferred by the two late submitters to Proposed Plan Change 5. This is to enable people to establish whether a submission might be of interest to them. The summary is not a substitute for inspecting the original submission itself, and it is recommended that this is done once you have identified any submissions points of particular interest.

In addition to the reference numbers assigned to the submissions received (i.e. 05/16 being Plan Change 5, Submission Number 16), a unique numeric identifier (i.e. 05/16.1) has also been applied to the specific points/matters raised in each submission in order to provide greater specificity and extra clarity. This unique identifier(s) should be specifically referenced in any further submission you may wish to make relating to an original submission.

The submissions below have been organised by submitter.

Where it has been specified or is clear that the submission is either in support of, or opposition, to the proposed change this has also been identified in the summary table below. The term 'In-part' has generally been applied in the table to submissions that provide qualified support or opposition to a proposed provision, subject to incorporating further suggested changes. 'Neutral' has been used where the submitter has specifically identified they are neutral and 'Not specified' has been used where the submitter has not indicated whether they support or oppose and it is not clear.

Where specific wording changes have been requested to Proposed Plan Change 5 by submitters these have been shown in the summary table as follows:

- *Italics underlined text* = New text to be included
- ~~Strikethrough text~~ = Text to be delete

Submission Number	Submission Point	Submitter Name	Issue	Provision	Support/ Oppose	Summary of Submission	Decision Sought
05/16	05/16.1	Muaūpoko Tribal Authority	Participation and consultation	Policy 6.3.30A	Not Specific	The submitter has raised concerns as to the nature and effectiveness of the consultation and the ability for the submitters to participate. The submitter believes this could have better avoided through wānanga kanohi ki te kanohi (face to face) communication.	Seeks the hearing panel accept this late submission from MTA and consider and adopt the relief sought in this submission.
05/16	05/16.2	Muaūpoko Tribal Authority	Development on the Otororoa Dune System	Structure Plan and zoning	Oppose	The submitter opposes the residential zoning within the Otororoa Dune system due to	Seeks residential zoning be removed from the Otororoa Dune System,

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						this dune belt being a main urupā for Muaūpoko, and the whole dune system is considered a significant site and wāhi tapu whom Muaūpoko ancestors are part of.	including a buffer zone. Seeks the area be set aside as open space to provide for Muaūpoko culture and traditions.
05/16	05/16.3	Muaūpoko Tribal Authority	Otororoa Dune System	Rezoning	Oppose	The submitter believes the proposed zoning of Otororoa Dune system will deteriorate the spiritual relationship between Muaūpoko and their ancestral lands, sites, wāhi tapu and ancestors.	Seeks the requirement of a Comprehensive Reserve Management Plan for Otororoa Dunes, including how adjacent subdivision will protect Muaūpoko values associated with the dunes.
05/16	05/16.4	Muaūpoko Tribal Authority	Otororoa Dune System	Rezoning	Oppose	The submitter views the zoning plan as not adequately recognising or providing for the protection of historic heritage and the connection of Māori to their ancestral lands, sites and wāhi tapu.	Seeks the requirement of a Cultural Impact Assessment to support earthworks within PC5 area, to assess how development will impact Muaūpoko values and wāhi tapu (including Otororoa Dunes).
05/16	05/16.5	Muaūpoko Tribal Authority	Co-management Plan	Coastal area and intensification	Oppose	The submitter expresses concern that the pending population growth of Waitārere, enabled by PC5, will result in an increase in negative impacts on Muaūpoko taonga and the ability to thrive.	Seeks that the effects of recreational use of the coastal area be managed through the creation of a co-management plan between MTA and Horowhenua District Council, and that policy 6.3.30A must be given effect to this co-management plan.

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05/16	05/16.6	Muaūpoko Tribal Authority	Wairarawa Stream and Lagoon	Policy 6.3.30A	Support with amendment	The submitter supports policy 6.3.30A with amendments. Wairarawa Lagoon is one of the few remaining mahinga kai sites and is a wahi tapu that once contained thriving tuna hunting grounds and eel weirs.	Seeks a Comprehensive Reserve Development Plan be lodged at the time of subdivision surrounding the lagoon and wetland areas/open space.
05/16	05/16.7	Muaūpoko Tribal Authority	Wairarawa Stream and Lagoon	Policy 6.3.30A	Support with amendment	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. PC5 must ensure that freshwater will be managed in a way that gives effect to Te Mana o te Wai and provides for Muaūpoko values with freshwater.	Seeks that 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.
05/16	05/16.8	Muaūpoko Tribal Authority	Wairarawa Lagoon	Wairarawa Lagoon and Open space zoning	Support in part	The submitter states that Muaūpoko support the Open Space zoning, however, are concerned about how the zoning has taken place. Believes Muaūpoko have not been provided certainty that the fullest extent of natural habitat has been protected.	Seeks an assessment of wetland habitat be undertaken as part of the Wairarawa Reserve Development Plan by a qualified ecologist to protect Wairarawa natural wetland, and the produced report to be provided to Muaūpoko.
05/16	05/16.9	Muaūpoko Tribal Authority	Wairarawa Lagoon	Wairarawa Lagoon and Open space zoning	Support in part	The submitter believes that residential development surrounding Wairarawa lagoon has a high potential to negatively impact Wairarawa	Seeks that the current open space zone be extended (as identified in the submission) to encompass wet paddock

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						freshwater ecosystems and their health and wellbeing. The submitter seeks the open space zoning be extended to the east. The relief sought will provide a pathway to mitigate adverse effects and promote positive effects by creating restoration opportunities and improve water quality.	to the east (currently zoned residential), to provide for Muaūpoko values. Muaūpoko aspire to see the mauri of this area restored through planting of indigenous wetland vegetation.
05/17	05/17.1	Ngāti Huia	Wairarawa Lagoon	Wairarawa Lagoon zoning	Oppose	The submitters note that Wairarawa Lagoon and surrounding lagoons/lakes/systems represent major areas for providing kaimoana for Ngāti Huia. There is concern that further development could further damage the habitat by encroaching towards these areas. Concerns are expressed as to the lack of evidence within the plan change documentation.	Ngāti Huia request that Council provide an ecological assessment undertaken to support the plan change and identify setbacks from the sensitive waterbodies.
05/17	05/17.2	Ngāti Huia	Wairarawa Lagoon	Wairarawa Lagoon and Commercial Zoning	Oppose	The submitters wish to be able to access the lakes for customary use, and for habitat to be sufficiently protected and enhanced.	Ngāti Huia support that no commercial activities should occur in or adjacent to these areas.
05/17	05/17.3	Ngāti Huia	Otororoa Dune System	Natural character	Oppose	The submitters consider that the language should be strengthened to better protect the landscape, with a desire is to ensure that development is	Council to identify any ecologically sensitive areas on the structure plan and ensure corresponding rules limit the destruction

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						designed and built with the landscape rather than widespread modification of the landscape/dune.	and impacts of development on these areas.
05/17	05/17.4	Ngāti Huia	Renewable Energy	Infrastructure	Support	Desire to encourage eco-development as this encourages on site sustainability as well as reducing pressure of wider infrastructure. It is noted that domestic scale renewable energy devices are permitted in the residential zone currently.	Maintain renewable energy devices in the residential zone. Council to further encourage the inclusion of initiatives such as rainwater tanks.
05/17	05/17.5	Ngāti Huia	Proposed plan change provisions and master plan relationship	Policies and rules	Oppose	The submitters believe 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	Align the outcomes from the masterplan with the plan change provisions.
05/17	05/17.6	Ngāti Huia	Social impact	General	Oppose	The submitters believe that 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.	No specific relief sought.

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05/17	05/17.7	Ngāti Huia	Commercial Development	Controlled Activity	Support in part	The submitters believe there to be insufficient clarity regarding commercial development, the activities allowed are so broad so as to be considered all encompassing.	Provide greater clarity of the commercial activities to allow for better understanding.
05/17	05/17.8	Ngāti Huia	Waitārere Beach Surf Club	General	Support	The submitters support the kaupapa of the surf club and wish to see ongoing progress.	N/A
05/17	05/17.9	Ngāti Huia	Naming of streets and parks	Naming Conventions	Support in part	The submitters wish to be involved with the development of naming conventions for streets or parks.	Council to ensure local connection to history is maintained.
05/17	05/17.10	Ngāti Huia	Natural dune landforms	Policy 6.3.30A	Support with amendment	The submitters seek that the policy wording be strengthened so that activities avoid effects on all existing landforms, so that the natural landscape (including dune landforms) is not lost forever through modification, and need to look at how it could offset this loss than that still result in having net gains overall.	Council to amend policy to give specific reference to protect all the current dune landforms from earthworks, not just the Otororoa Ridge.
05/17	05/17.11	Ngāti Huia	Cultural and archaeological sites and values	Policy 6.3.30A	Support with amendment	The submitters seek the plan wording within Policy 6.3.30A bullet point 10 should be strengthened so that effects on important cultural and archaeological sites, including sites of significance to Mana Whenua, are avoided and protected. Provide guidance that this should include early	Council to amend policy to provide protection of cultural and archaeological sites and to provide protection of cultural values associated with the waterbodies.

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						engagement with Ngāti Huia (or local iwi?) and reference to wider cultural values, not just sites.	
05/17	05/17.12	Ngāti Huia	Waterbodies	Policy 6.3.30A	Support with amendment	The submitters believe that wording within Policy 6.3.30A bullet point 11 should be strengthened and include reference to riparian areas and all the lakes and wetlands, in keeping with the NPS-FM.	Council to amend the policy to include reference to riparian areas.
05/17	05/17.13	Ngāti Huia	General	Policy 6.3.30A	Support with amendment	Additional policies are sought by the submitters relating to eco development, rate of development, mitigation and offsetting and consultation.	Include additional policies to <ul style="list-style-type: none"> - Support and encourage eco development - Ensure development is not undertaken at a rate that far exceeds demand - Require mitigation or offsetting to ensure a net gain, where effects cannot be avoided - Include reference to early consultation with local hapū.
05/17	05/17.14	Ngāti Huia	Waitārere Beach Mixed Use Area	Policy 6.3.50A	Support	The submitters support the role and function of the existing Waitārere Beach commercial centre established within the Waitārere Beach Mixed Use Area.	Council to maintain control of the nature and scale of activities within the Waitārere Beach Mixed Use Area.
05/17	05/17.15	Ngāti Huia	Waitārere Beach Mixed Use Area	Policy 6.3.50B	Oppose	The submitters have concerns regarding the impacts on	Council to consider that greater control should be placed on retail and

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						existing businesses and the social fabric on the community.	commercial activities outside of these areas. Require a Non-complying activity consent for commercial and retail activities beyond those areas shown on the structure plan. Provide clarification as to why the recommendations of the Commercial zone review report do not appear to have been supported.
05/17	05/17.16	Ngāti Huia	Commercial Zone	Policy 6.3.50B	Support in part.	The submitters hold concern that commercial zoned areas are scattered and not at the centre of the village. The submission references findings of the Waitāreere Beach Commercial Land Assessment (August 2020) that the proposed zone is too large.	Include cultural values as a matter for Council to have control over when assessing consents, with inclusion of specific policy.
05/17	05/17.17	Ngāti Huia	Participation and consultation	Policy 6.3.30A	N/A	The submitters note that subdivision in accordance with the structure plan may be able to be undertaken as a controlled activity (15.2(e) and matters of control 15.7.5), subject to meeting the standards. Control is reserved for effects on significant sites and features, including natural, cultural, archaeological and	Council to include a policy requirement for engagement with Ngāti Huia before lodgement of a subdivision consent, including details of mitigation recommended by Ngāti Huia through any engagement.

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						historical sites. The submitters believe that early engagement is the most practical and proactive 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.	
05/17	05/17.18	Ngāti Huia	Subdivision of Land – Matters of Control	Rule 15.7.5(a)	Support	The submitters support Rule 15.7.5(a) for sites in Structure Plan 07A Waitārere Beach the avoidance or mitigation of; liquefaction and lateral spread; or surface water ponding or inundation.	Council to retain rule 15.7.5(a) as they are matters of concern to Ngāti Huia.
05/17	05/17.19	Ngāti Huia	Subdivision of Land – Conditions	Rule 15.7.5(b)	Support	The submitters support 15.7.5(b) which requires that any land within the area covered by structure plan 07A - Waitārere Beach in Schedule 8, all subdivision shall be accompanied by additional reports, completed by a geotechnical engineer and storm water engineer.	Council to retain rule 15.7.5(b) as they are matters of concern to Ngāti Huia.
05/17	05/17.20	Ngāti Huia	Structure Plans and Residential (Deferred) Zone Criteria	Policy 25.1.5	Support	The submitters support inclusion of new subdivision assessments criterion in 25.1.5 - Structure Plans and Residential (Deferred) Zone to establish the extent to which the subdivision of land covered by SP 07A	Council to retain rule 25.1.5(g) as they are matters of concern to Ngāti Huia but seeks: - Inclusion of cultural values of the area, and

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						avoids or mitigates: natural hazards; liquefaction and lateral spread; or surface-water inundation. However additional matters are sought.	- Avoids effects on natural dune landscapes.

Further Submissions must be received by Horowhenua District Council before 4:00pm Friday, 10 December 2021.