



TŪWHARETOA
MĀORI TRUST BOARD

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Submission on:
National Planning Standards

17 August 2018



INTRODUCTION

- 1 This submission is made by the Tūwharetoa Māori Trust Board (the **Trust Board**) on the National Planning Standards prepared by the Ministry for the Environment.
- 2 The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926. The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955.¹
- 3 By Deeds with the Crown dated 28 August 1992 and 10 September 2007 the Trust Board is the legal owner of Taupō Waters. The term Taupō Waters refer to property including the bed, water column and air space of Lake Taupō and the Waihora, Waihaha, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipehi, Waiotaka, Hinemaiaia and Waitahanui Rivers and the Waikato River, from the outlet of Lake Taupō to a place known as Te Toka a Tia, downstream and inclusive of the Huka Falls.
- 4 The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (the **Waikato River Deed**). The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (the **Upper Waikato River Act**). The Waikato River Deed provides that the Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of “the interests of Ngāti Tūwharetoa in the Waikato River and its catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River”.²
- 5 The Trust Board’s relationship to Taupō Waters is unique; it holds legal title as trustee and acts as kaitiaki for Taupō Waters. These fiduciary responsibilities over Taupō Waters to present and future generations underpins all the activities and aspirations of the Trust Board.
- 6 Please direct all communications in relation to this submission to the Trust Board to Maria Nepia, Natural Resources Manager at [REDACTED]).

SUBMISSION ON NATIONAL PLANNING STANDARDS

- 7 The Trust Board supports the purpose of the planning standards to provide greater consistency of Resource Management Act 1991 plans and policy statements. However, the Trust Board offers the following recommendations on specific matters:

Upper Waikato River Act

- 8 The Planning Standards must specifically provide for existing treaty legislation and regional or local statutory documents. For example, the Upper Waikato River Act and the Waikato River Vision and Strategy. This is particularly important in the Waikato Region where there are multiple natural resource settlements that apply to one regional council, one city council and 10 district councils.
- 9 Representation of the each of the treaty settlements is best provided from the iwi themselves. This would ensure consistency in description, application and expectation within the relevant council plans. However, special and explicit provision in the National Planning Standards should be provided for (distinct from the tangata whenua values section).

Special Topics Chapter

- 10 Sections 12 to 16 of the Upper Waikato River Act have effect to the extent to which the content of the vision and strategy relates to matters covered by the Resource Management Act 1991. Also, that Sections 11 to 15 prevail over sections 59 to 77 of the Resource Management Act 1991. Sections as significant as this should be clearly noted in all planning documents to which they apply. This is required to clarify where there is inconsistency or conflict between national planning standards, national direction and regional direction (e.g. the Vision and Strategy).

¹ Māori Trust Boards Act 1955, section 10.

² Waikato River Deed, 31 May 2010, clause 8.

- 11 The Waikato River Settlement provides for any amendments to the Vision & Strategy to be included directly into the Regional Policy Statement, and consequently amended to ensure that the RPS is not inconsistent with the Vision & Strategy. The Waikato Regional Council is not required to undertake a Schedule 1 process to give effect to the amended, or reviewed, Vision & Strategy. The Trust Board recommends that the Planning Standards confirm this process as it applies to the Waikato Regional Council (which could be done through the suggested separate section).
- 12 The Trust Board supports the inclusion of catchments chapters as this would allow for better representation of catchment values. Achieving the objectives of the Vision & Strategy at a small scale would be better support catchment-based integration at a regional level.
- 13 The Trust Board recommends including a new chapter under part 1 (introduction) for Regional Policy Statements, Regional Plans and District Plans, to include regional direction that is specific or unique to a region (e.g. the Vision & Strategy). National direction that applies to specific regions is currently not provided for. The Trust Board further recommends that statutory objectives, policies and methods from other documents (e.g. the Vision and Strategy) are referenced in the national planning standards to then be included in all planning documents to which it applies.

Tangata Whenua chapter

- 14 The Tangata Whenua section (part two) should also provide for references or links to regionally specific legislation and statutory documents (e.g. treaty settlements, Vision and Strategy for the Waikato River).
- 15 The Trust Board is recognised as an iwi authority. The Trust Board supports the standardisation of the location of tangata whenua values within planning documents but the articulation of those values needs to be undertaken between the tangata whenua and local authorities. This process needs to be collaborative and tangata whenua need to have the final say on how those values, and the practical implications of those values, are reflected in the planning standards.

CONCLUSION

- 16 The Trust Board welcomes the National Planning Standards in the context of the feedback provided.

Nāku iti nei, nā



Topia Rameka

Chief Executive

17 August 2018