



# *Hastings District Council*

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## PRE-CIRCULATED APPLICANT EVIDENCE

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### HEARINGS COMMITTEE MEETING

(PRE-CIRCULATED APPLICANT EVIDENCE  
KAHUNGUNU HEALTH SERVICES)

Meeting Date: **Friday, 13 September 2019**

Time: **10.00am**

Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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| <b>Committee Members</b>                  | <b>Panel Members Rostered on for this hearing:</b><br>Chair: Councillor Lyons and Councillors Schollum and Mr P Kay<br><br><b>Other Hearings Committee Members (not rostered on for this hearing):</b> Councillors Barber, Heaps, Kerr (Deputy Chair), Lawson and Redstone |
| <b>Officer Responsible</b>                | Environmental Consents Manager – Murray Arnold   |
| <b>Reporting Planner</b>                  | Environmental Planner (Consents) – Liam Wang   |
| <b>Democracy &amp; Governance Advisor</b> | Christine Hilton (Ext 5633)  |

## Hearings Committee – Terms of Reference

### Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002
- Gambling Act 2003

### Membership (7 including 6 Councillors)

Chairman appointed by the Council from the membership of 6 Councillors

Deputy Chairman appointed by the Council from the membership of 6 Councillors

4 other Councillors

1 externally appointed member with relevant qualifications and experience

### Quorum\* –

- a) All members including the Chair (or Deputy Chair, in the Chair's absence) sitting on a hearing must be accredited (as of 12 September 2014).
- b) A maximum of three members including the Chairperson (or Deputy Chair, in the Chair's absence) to meet for any one hearing, except for Council Initiated Plan Change hearings where all members may attend and take part in the decision making process.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

\*In the case of hearings under the provisions of the Resource Management Act 1991 the quorum is to meet the obligations contained in section 39B of the Act.

### Delegated Powers

#### HEARINGS COMMITTEE

##### 1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

- |  |  |
|--|--|
| 1) Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. | Decide on Applications and Private Plan Change requests. |
| 2) Hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or variations to the Proposed Plan.   | Submission on Council Plan Changes.                      |
| 3) Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This   | Appoint Commissioner for Resource Consents.              |

|   |  |
|---|--|
| delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act.  |  |
| 4) Appoint a Commissioner or Commissioners to hear, consider and recommend to the Strategy, Planning and Partnerships Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Proposed District Plan and Council or Private Plan Changes. |
| 5) Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act.  | Extend Time Limits and Waive Compliance.   |
| 6) Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act  | Review of Decisions made under Delegation.   |
| 7) Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it.  | Protection of Sensitive Information.   |
| 8) Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers' reports in respect of any matter before it.   | Waive Time for Receipt of Officers' Reports.   |
| 9) Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it.  | Defer Application Where Other Consents Required.                                     |
| 10) Require, pursuant to Section 92 of the Act, further information relating to any application before it and postpone notification, hearing or determination of the application.   | Require Further Information.   |
| 11) The above delegations shall apply with all necessary modifications to:  |  |
| i) Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so.   | Review of Consent Conditions.  |
| ii) Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act.  | Hear Submissions on Designations.  |
| iii) Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act.  | Hear Submissions on Heritage Orders.   |
| 12) Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act.   | Recommendations and Designations.  |
| 13) Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act.   | Amend District Plan.   |

## 2. HEALTH ACT 1956

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:

|  |  |          |
|--|--|----------|
| i) Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966.  | Explanations<br>Registration Should Not be Revoked.  | Why      |
| ii) Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the Housing Improvement Regulations 1974. | Determine<br>Applications or Objections to Requirements Under Housing Improvement Regulations. | Appeals, |

### 3. DOG CONTROL ACT 1996

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections.

Decide on objections under the Dog Control Act 1996

|                      |   |
|----------------------|---|
| Section 22           | Objection to the classification as a probationary owner.  |
| Section 26           | Objection to disqualification from being an owner of a dog  |
| Section 31           | Objection to the classification of a dog as a dangerous dog   |
| Section 33B          | Objection to the classification of a dog as a menacing dog under section 33A.   |
| Section 33D          | Objection to the classification of a dog as a menacing dog under section 33C as it is believed to belong to 1 or more classified breeds.  |
| Section 55           | Objection to the issue of an abatement notice for a barking dog.  |
| Section 70           | An application for the return of a barking dog seized under section 56 for causing distress.  |
| Section 71           | An application for the release of a dog that is being held in custody under section 71(1) and (2) for threatening public safety.  |
| Section 71(1)(a)     | To be satisfied that a dog seized under section 15(1)(c) because the dog was without access to proper and sufficient food, water or shelter, will be given access to proper and sufficient food, water, or shelter if returned to the land or premises from which it was removed.   |
| Section 71A(2)(a)(i) | To be satisfied that the owner of a dog seized under section 33EC (because the owner failed to comply with his obligations in respect of a dog classified as menacing), or of a dog classified as a menacing dog seized under section 33EB (because the owner failed to have the dog neutered), has demonstrated a willingness to comply with the relevant requirements". |

### 4. LITTER ACT 1979

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.

Decide on Objections to Notices Issued by a Litter Control Officer.

### 5. Building Act 2004

Pursuant to Section 67A of the Building Act 2004 the Hearings Committee is delegated authority to grant a waiver or modification to section 162C(1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) the requirements of the Act (with or without conditions) in the case of any particular pool.

Grant Exemptions to Pool Fencing Requirements.

### 6. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated

authority to:

- |     |  |   |
|-----|--|---|
| i)  | Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws.                            | Review of Delegated Decisions.          |
| ii) | Consider and determine any application under Clause 1.5 of Chapter 1 of the Hastings District Council Consolidated Bylaw for a dispensation from full compliance with any provision of the Bylaws. | Dispensations from Bylaws Requirements. |

## **7. LOCAL GOVERNMENT ACT 1974**

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.

Hearing Objections to Road Stopping.

## **8. GAMBLING ACT 2003**

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

- |    |   |  |
|----|---|--|
| i) | Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy. | Hear and Decide on Applications for Territorial Authority Consent. |
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# HASTINGS DISTRICT COUNCIL

A HEARINGS COMMITTEE MEETING WILL BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 13 SEPTEMBER 2019 AT 10.00AM.

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1. **APOLOGIES**

At the close of the agenda no requests for leave of absence had been received.

2. **PRE-CIRCULATED APPLICANT EVIDENCE - KAHUNGUNU HEALTH SERVICES**

**DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT**

|                          |  |              |
|--------------------------|--|--------------|
| <b><u>Document 1</u></b> | The covering administrative report             | <b>Pg 1</b>  |
|                          | <b>Attachment A</b> Evidence from Jason Kaye   | <b>Pg 3</b>  |
|                          | <b>Attachment B</b> Evidence from Jean Te Huia | <b>Pg 11</b> |

**REPORT TO:** HEARINGS COMMITTEE

**MEETING DATE:** FRIDAY 13 SEPTEMBER 2019

**FROM:** DEMOCRACY AND GOVERNANCE ADVISOR  
CHRISTINE HILTON

**SUBJECT:** PRE-CIRCULATED APPLICANT EVIDENCE -  
KAHUNGUNU HEALTH SERVICES

## **1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA**

The purpose of this report is to have a way to attach the pre-circulated Applicant evidence and to then put it onto the website prior to the hearing – as is required by the provisions of the Resource Management Act.

## **2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA**

That the Applicant evidence pre-circulated on behalf of Kahungunu Health Services be put onto the website prior to the hearing commencing on 13 September 2019 so it can be viewed by the submitters and members of the public.

### **Attachments:**

|                    |                            |            |
|--------------------|----------------------------|------------|
| <a href="#">A↓</a> | Evidence from Jason Kaye   | 59548#0341 |
| <a href="#">B↓</a> | Evidence from Jean Te Huia | 59548#0342 |





**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Hearings Committee Meeting of Hastings District  
Council regarding an application by Kahungunu  
Health Services for the conversion of an  
incomplete implement shed to a habitable building  
at 151 Waitangi Road, Waimarama  
(RMA20180494)

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**STATEMENT OF EVIDENCE OF JASON KAYE**

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**INTRODUCTION**

1. My full name is Jason Bevan Kaye.
2. I hold Bachelor's and Master's Degrees in Social Science (following a prescribed Resources and Environmental Planning programme) conferred by Waikato University.
3. I am currently employed as a Senior Planner with Development Nous Ltd, a Hastings based multi-disciplinary development consultancy.
4. I have more than seventeen years' experience in the field of Resource and Environmental Planning. I commenced my current role in 2017. Prior to this, I was employed in planning policy and development consenting roles with local authorities in New Zealand and the United Kingdom since 2000.
5. I confirm that I have read the Code of Conduct for Expert Witnesses contained within the current Environment Court Practice Note. I agree to comply with this Code of Conduct and confirm that my evidence is within my area of expertise except where I state that I am relying upon the evidence of another person. I understand that I have an overriding duty to assist impartially on relevant matters within my area of expertise and that I am not an advocate for the party which has engaged me. I also confirm that I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

**INVOLVEMENT IN THE PROJECT**

6. Development Nous Ltd were engaged by Kahungunu Health Services to prepare the subject resource consent application following the need for resource consent being identified by Hastings District Council through the assessment of a building consent for alteration of the building to accommodate bathroom and kitchen facilities in association with use of the building as part of the existing place of assembly on the site.
7. I reviewed and approved for release the resource consent application that was prepared by Sophia Edmead, who no longer works for Development Nous Ltd.

8. I am familiar with the content of all documents that were submitted as part of the application and through the s92 process, the background to the development, the application site and surrounding environment and the relevant planning documents.

#### **PURPOSE OF STATEMENT OF EVIDENCE**

9. It is not my intention to present the full content of the application documents to the panel, which are provided at Appendix B to the Agenda. Further, I consider that Mr Wang's s42A officer's report for Hastings District Council is robust and thorough and accurately sets out the relevant statutory requirements necessary to be considered through the assessment and determination of the application and accordingly I do not propose to repeat that framework in this evidence.
10. Accordingly, the purpose of this statement of evidence is to:
- Provide an overview of the specifics of the application;
  - Comment on the Activity Status of the resource consent;
  - Respond to matters arising from Mr Wang's Section 42A report and the recommended conditions of consent; and
  - Comment on the submission received through the limited notification of the application.

#### **OVERVIEW OF SPECIFICS OF APPLICATION**

11. The site has been extensively described in Mr Wang's s42A report and the appended assessment of environmental effects submitted with the application. As is evident when visiting the site, the area is a special place with an enviable relationship to the coastal environment. The site is not however, an undeveloped wilderness, and development of the application and surrounding sites is clearly present in views across the area.
12. The broad site history and background to the application is helpfully summarised in the accompanying submission of Jean Te Huia, including discussion of her family association with the site and the significance of the land to longer term plans to reconnect people to the land.

13. The site benefits from existing family accommodation, visitor accommodation and place of assembly buildings that have been developed in accordance with approved resource consent or permitted development allowances of previous Hastings District Council development plans.
14. As clearly set out in Mr Wang's s42A report, the current application seeks approval for an additional place of assembly building on the site, which will be utilised for additional accommodation and activity space by visiting groups.
15. The building is intended to provide sleeping accommodation for up to 40 people and to provide indoor space for group activities particularly during inclement weather.

#### ACTIVITY STATUS OF APPLICATION

16. I agree with Mr Wang's conclusion that the place of assembly is classified as a non-complying activity within the Rural Zone by Rule RZ27 of the Proposed Hastings District Plan. However, it is relevant to consider this non-complying activity status against the wider relevant Rule set for the Rural Zone.
17. Places of assembly in general are not addressed by the Rural Zone Rule set, thereby resulting in classification as a non-complying activity by Rule RZ27 which is a "catch-all;" Rule that covers "Any activity which is not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary activity in this (Rule set) table or in rules NP18 – NP21 as specified below".
18. It is however, relevant to recognise that places of assembly within proximity of intensive rural production activities, in situations where there exists elevated potential for land use and reverse sensitivity conflicts, are classified as a lower order discretionary activity.
19. Following the general logical convention of the Proposed Hastings District Plan, the reverse sensitivity conflict arising from locating a place of assembly within proximity of an intensive rural production activity would be expected to elevate the activity classification from that of a place of assembly not in proximity of an intensive rural production activity. The Proposed Hastings District Plan Rural Zone Rule set does not follow that expected structure.

20. Expressed alternatively, if the place of assembly was located in proximity of an intensive rural productive activity, with related potential for land use conflict and reverse sensitivity, the current Proposed Hastings District Plan Rural Zone Rule structure would downgrade the classification from non-complying to discretionary activity status.
21. This is counter to the logical activity status progression and the convention of the Proposed Hastings District Plan structure. While this does not alter the activity status of the application, the Rule structure nevertheless presents a somewhat anomalous situation resulting in classification of the proposal as a non-complying activity.

#### **RESPONSE TO S42A REPORT AND RECOMMENDED CONDITIONS OF CONSENT**

22. I agree with the assessment and conclusions of the comprehensive s42A report prepared for Hastings District Council by Mr Wang.
23. Paragraph 4.4.4 of Mr Wang's report notes the inclusion of a "garage" area within the layout of the building and states uncertainty as to whether this space will be used for any habitable purpose. The long-term intention is that this area is utilised for storage, including boat and tractor storage. However, the area will also be used as a storage area and workspace as required for traditional carving and weaving products.
24. I support Mr Wang's recommended conditions of consent as being suitable to effectively mitigate the identified potential adverse effects arising from the use of the building.
25. In particular, the provisions of conditions 4 through 7 are welcomed as a format to mitigate the potential for actual or perceived overlooking of the neighbouring property. Obscure glazing to windows overlooking the neighbouring property will not compromise the internal conditions, and this requirement of condition 4 is willingly supported. Similarly, enclosure to prevent a line of sight from the first floor deck area to the neighbouring property required by condition 5 is welcomed as a comprehensive mitigation of the overlooking potential from this area.
26. Where present, the existing boundary vegetation forms an effective screen between the subject building and the neighbouring site. The requirements of conditions 6 and 7 will ensure that addition to this existing planting provides a continuous visual barrier on the boundary.

27. The review condition is also recognised as a significant provision that will enable future effects arising from the use to be revisited by the Council and further mitigation imposed if necessary.

**COMMENT ON SUBMISSION RECEIVED**

28. I have reviewed the submission received from Pehitane Potaka and Myda Matthews following the limited notification of the application and note that the points raised in the submission do not alter my support for the proposal or for the assessment and conclusions set out in Mr Wang's s42A report.
29. The submission traverses the relevant objectives and policies of the Proposed Hastings District Plan and concludes that the proposal is inconsistent with the Rural Zoning of the property. It is noted that Mr Wang's s42A report reaches a similar position, concluding that the proposal is inconsistent with (some of), but not contrary to, the relevant objectives and policies of the Proposed Hastings District Plan.
30. The conclusion is not unexpected given the focus of the Rural Zone on productive rural utilisation of land. The Proposed Hastings District Plan does not however, and cannot be expected to, cater to all circumstances and the Proposed Hastings District Plan objectives and policies do not take account of the specific association of the proposal to the land and significance of this site.
31. It is not by chance that the development has occurred here as the development in this location is borne out of a relationship to the land. Such a relationship is not readily comprehended by a blanket development plan policy structure that cannot suitably provide for such real world values. This is the purpose of resource consenting, where the merits of detailed specific circumstances of a site and proposal can be assessed, and in this case, where the association to the land can be recognised.
32. Accordingly, while the interpretation of objectives and policies offered in the submission provides a perspective of the proposal, this policy perspective is limited in scope and does not enable consideration of the detailed specifics of the application circumstances and the resulting beneficial outcomes.

**SUMMARY**

33. In summary, I concur with Mr Wang that, subject to the set of recommended conditions, resource consent can be granted to the application proposal pursuant to sections 104, 104B and 104D of the Act.



Jason Kaye

30 August 2019





## Resource Consent Application Hearing 151 Waitangi Road WAIMARAMA 4294

Property ID: 59548

Area:  
2.59Ha

Legal Desc:  
WAIPUKA  
2T3 BLK X  
KIDNAPPERS  
SD

### Applicant; Jean Te Huia

The history, occupation and development of Hinetemoa Marae, at Waitangi Road Waimarama has been an enduring and endless struggle by our family to regain, support and regenerate the cultural spirits of ourselves and other men, women and children, disenfranchised from their traditional and cultural pasts. In support of this application I hereby commit our story to you, for further consideration in order that you may understand and continue to support our vision for the future.

# Resource Consent Application Hearing

Applicant; Jean Te Huia

## Hinetemoa Marae

It began as a 'Cultural Concept Plan' discussed at the funeral of Graham Horima Sandilands in 1990. Graham the second youngest son, had died tragically, killed on his motor bike at 23 yrs of age. His young life had seemed meaningless. The three days it had taken to find and recover a sister and two brothers lost in Australia for 6yrs, to bring them home to attend the funeral sent a message to us all, that we had lost our way as a 'whanau'.

Our dream was and still is; to build a 'Papakainga'- a cultural place, where we as a whanau can connect with ourselves, our tupuna, dream for the future aspirations of our mokopuna, and regain and revitalize our culture.

We believe we can create a place of value, better opportunities to produce and secure family traditions, principals of 'humanity' for restoring our Whakapapa, Reo and sense of belonging, secure within our cultural understanding in order to regain our own dignity.

The empty paddock in 1990- soon transformed by hard work and determination into buildings, kai gardens, fruit trees and a dining room and our meeting house HINETEMOA.

The History of Cultural Loss of our Whanau and our attempts to regain it.

The marriage of Ron and Mary Sandilands in 1952 witnessed the birth of 9 children. Their early happy beginnings supported by whanau and hapu on the Marae at Te Whatuiapiti ended when they shifted to Havelock North in 1960.

For thirty years the harsh realities of city life, eventually saw the total destruction of the family unit, two children dead, two boys through state care and one into the justice system, three children lost overseas.

The remainder sickened by domestic violence, drug and alcohol use and respite care within the mental health system.

A longing to rebuild a future within a cultural framework began again with,

HINETEMOA MARAE

Resource Consent Application Hearing

( 1 )

**COMMUNITY ENGAGEMENT; Schools, Whanau and Community Groups;** The realization that our dream was shared by many, became obvious; as the growing numbers of bookings from schools, and early childcares, other whanau groups, sports teams, Clive colts, and kapa haka teams grew, with a minimal overnight cost of \$5 a child and \$15 an adult, we have regulars, Rudolf Steiner, Maranui Wellington, Havelock North, Hastings and Napier Scouts along with a number of corporate team building groups, Ngati Kahungunu Iwi Incorporated, HBDHB, HBPHO, Nga Maia Maori Midwives, Maori Nurses, Te Kainga Potiki- Hastings and Flaxmere daycares, RANZCOG-NZ and Australian Obstetricians, Dr's Nurses and Teachers.

**Conservation;** Along with the growing interest from working groups to restore, Harakeke (natural flax and fibers), a hundred different species were saved by Te Muri Wananga and replanted along the local Ngarongoroa Stream by volunteers. Visits by renowned conservationist Robert McGowen, ensures the revitalization of flora and fauna along the creek beds of Waipuka 2R1, a 40 acre paddock that has been leased for the next 30yrs. A wool fagg full of 'pipi' collected from Porangahau, blessed by Kaumatua Gerry Hapuku and re-seeded.

**Cultural Regeneration;** Fortnightly 'weekend noho' Te Reo classes are held by Te Whare Wananga O Aotearoa. Ten Totara logs have been sourced, carvings will be completed by skilled traditional craftsman, willing to share their talents with new learners. These will not only be used to 'cloak' Hinetemoa but will be further commissioned for schools. Tukutuku panels, new and restoration have commenced, and will ornate our meeting house.

**Maori Land Court Application; Change to Maori Land;** *An application for Change of Title from General Land to Maori Land will be applied for this month, (Sept 2019), along with an application to the Maori Land Court for 'Papakainga Status'. This has the potential of putting the completion of the Marae facilities outside of the RMA requirements and under Te Ture Whenua Act- Maori Traditional and Cultural Regeneration. Our whanau have officially set up a whanau trust; and will register the land under 'trustees' under The Te Ture Whenua Act.*

**District Plan;** Upon purchase of the property in 1990, use of the land was discussed between owners and the Hastings District Council. An agreement allowed the erection of 2 permanent dwellings and six visitor accommodation units on site. The commencement of the dining room and Hinetemoa Marae commenced in 2000 and has yet to be completed; since the changes to The Hastings District Plan; aspirations to complete the marae build have been halted partly due to changes to the district plan. An implement shed, as an extension to the Marae was given consent to build in 2017, was in July 2019 suspended when an application for change of use, was submitted to council, to allow the inclusion of toilets and showers, as well a kitchen area. The resource application is now the focus for this report.

**Conversation with Stakeholders;**

As good neighbors our 'whanau' have met personally on several occasions with all neighbors and peoples with an interest in Hinetemoa Marae, as well stake holders at Waimarama Marae, Kuia and Kaumatua and general stakeholders; and have received overwhelming support; including written submissions from Ngati Kahungunu Iwi, schools and sports groups.

Mrs Hariata Baker; Kuia Kaumatua is the last living descendent, the daughter of Te Akonga Mohi and Merehine- te -ka, grand-daughter to Te Akonga Mohi and PukePuke Tangiora-original owners and descendants of the original Marae, She has whakapapa to traditional land in Waitangi Road, Waimarama. Mrs Baker approves the continued restoration of Hinetemoa Marae and the re-newed cultural beginnings bought by this project, to support our next generation of whanau by signing the consent forms.

The 'Carol Whanau'; Having met several times with the Carol whanau over the past two years, prior to the commencement of the shed being started, their continued support after an application for change of Use was again agreed to by giving of their multiple signing of the consent forms.

**Objection from Neighbor Mr Pehi Potaka;** I thank Mr Potaka for making his objections to a 'Change of Use' known, so that we may work to mitigate his fears and to work to alleviate his concerns.

I would like to state in this report; That Hinetemoa Marae, meeting house and dining room, was erected and in general use by private and public persons, before Mr Potaka and his family purchased their property and he moved alongside our marae knowing it was already there.

Mr Potaka himself, has engaged the use of Hinetemoa Marae and its resources in the past, by hiring the facility for accommodation for his own family for his own wedding, and requesting the use and hire of cutlery, crockery and resources from the marae.

I refute any suggestion that 'Public Use' will and may have a potential to interfere with the privacy and safety of Mr Potaka and his family; Hinetemoa Marae has been actively engaged in private and public use without incidence for over fifteen years; and my husband, self, children and grandchildren have all lived on the property in safety all of this time.

Mr Potaka has also taken it upon himself, to cut a 3 meter hole in the boundary fence between his property and our property and installed a gate, so that his visitors and he could gain better access to the Marae. The gate which he installed has never given rise to any concerns of public safety. If Mr Potaka has such great concerns for his privacy and stability of his home- He would not be cutting a 'hole' in his fence and putting a gate in it.

I further state that the shed is already erected and is sheltered from the view of Mr Potaka's property by already existing 6-meter trees that were planted on our property 15 yrs. ago. The trees act as an already sound proof barrier, as well prevent access onto Mr Potaka's property, through an already existing fence, which is further secured by a three meter deep, four meter wide drain along the entire length of our communal boundary fence.

The building is situated South to North facing, away from Mr Potaka's home and is over 50 meters from his house; there are no windows or doors opening out of the shed to give visibility to Mr Potaka's home, and there is no intention in the 'change of use' application for this circumstance to change.

#### **Mitigating Risk;**

We have spoken with builders, engineers and glazers. The ability to soundproof the building further to potentially reduce any concerns regarding noise or sound drifting could be further attained; as well we have given extra thought to security, lighting and fencing; these measures could include;

- Request Mr Potaka restore the fence and take his gate down, to reduce access to his property.
- Extra double glazing to all windows on the south side of the building.
- Ensuring windows that are on the south side closest to Mr Potaka's property be above four meters off the ground, to restrict view of his property and those that might be less than 4 meters high to be permanently locked.
- Double insulation of south wall of building.
- Increase the security around the building, by ensuring public access is reduced, increase security lighting, adequate and safe lighting along pathways, alarms and fences well maintained to protect property.
- Ongoing Consultation with Mr Potaka about bookings and usage.

I thank you all for giving of your time to hear our submission.

*Jean Te Huia*

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