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Monday, 21 June 2021

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Hearings Committee Meeting**

*Ngā Minitī*

# Minutes

## Plan Change 3

### Marae in Rural/Plains Production Zones

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**Monday, 21 June 2021**

*Te Rā Hui:*

Meeting date:

*and subsequently reconvened in Public Excluded Session on that date to undertake deliberations with subsequent recommendations forwarded to Council for consideration (at meeting on Thursday, 9 September 2021)*

*The subsequent Council decision was issued to all submitters on Tuesday, 28 September and then publicly notified on Saturday, 9 October 2021.*

Venue

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

Time start - end **9.35am - 10.35am**

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[www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)  
to see all documents

**HASTINGS DISTRICT COUNCIL**  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
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**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

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Monday, 21 June 2021

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Te Hui o Te Kaunihera ā-Rohe o Heretaunga

## Hastings District Council: Hearings Committee Meeting

*Ngā Minitī*

# Minutes

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**Chair:** George Lyons (Commissioner Chair – External appointee)  
**Councillors:** Councillors Bayden Barber (Deputy Chair), Alwyn Corban, Tania Kerr, Eileen Lawson and Sophie Siers; and  
**Present:** Peter Kay (External appointee member); and  
Robin Hape - Heretaunga Takoto Noa Māori Standing Committee appointee

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**Kua Tatū:** Policy Manager - Rowan Wallis  
**In attendance:** Senior Environmental Planner (Policy) – James Minehan  
Democracy & Governance Advisor - Christine Hilton

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**Also present:** Dr James Graham – Submitter on behalf of Pukehou Marae (not wishing to speak to the submission)

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## 1. APOLOGIES – NGĀ WHAKAPĀHATANGA

Mr Lyons/Councillor Kerr

That an Apology for Absence from Councillor Wendy Schollum be accepted.

CARRIED

## 2. PLAN CHANGE 3 – PROVIDING FOR MARAE IN THE RURAL AND PLAINS PRODUCTION ZONE

Council's Document Reference: Covering report (21/370) and Planning Report (ENV-9-19-10-21-36), together with associated attachments, were circulated in two documents prior to the meeting and put onto the Council's website. Evidence, in written form, was presented at the hearing, as detailed in these minutes. (Note: the numbers in italics and brackets are the references for evidence saved in the council's records management system).

A site visit had not been undertaken in relation to this hearing. No submitters had wanted to attend the hearing to speak to their submission.

### **Overview from Reporting Planner:**

**Environmental Policy Manager, Mr R Wallis, and the Reporting Planner, Senior Policy Planner, Mr J Minehan,** spoke to the Proposed Plan Change 3; - Providing For Marae In The Rural And Plains Production Zone and gave an overview of the proposal. They also responded to extensive questions from the Hearings Committee.

Mr Wallis gave an overview of the process. He explained that under the Heretaunga Plains Urban Development Strategy (HPUDS) there was a recommendation that Council look at places of assembly provisions in the district plan and that had resulted in some places of assembly being able to establish in the Plains Zone on the district's versatile soils.

He further explained that the HPUDS recommendation had been to remove places of assembly from the Plains Zone as part of the review, but it had not considered the aspect that places of assembly also included marae. This Proposed Plan Change 3 was intended to address that omission. It would amend Section 5.2: (rural zone) and Section 6.2 (plains production zone) of the Hastings District Plan.

Mr Minehan explained that currently the district plan requires a resource consent for the establishment and development of marae in these two zones. Plan Change 3 will reinstate the previous status that marae enjoyed, as a permitted activity. It would provide a more permissive approach for marae in rural areas by identifying them as a permitted activity in the rural zone and the plains production zone, up to a maximum gross floor area of 1,000m<sup>2</sup>. It would also provide for marae in rural locations as a permitted activity subject to performance standards, so they could develop their land within the framework of the provisions in the Plan.

As part of extensive consultation undertaken with marae, Mr Minehan reported that he had sought feedback on the draft provisions. He had received feedback from the Waipuka Reservation Trust, that was redeveloping their marae and the Trust had advised that a floor area of 1,000m<sup>2</sup> would enable all necessary facilities and buildings to be erected on their site. As a result, officers had used this floor area as a benchmark for permitted activity applications. The previous floor area had been 400m<sup>2</sup>.

Mr Minehan had made contact with local marae, taiwhenua and settlement trusts on the draft and proposed provisions, via email and phone calls. He had taken the time needed to fully undertake this consultation and allow time for feedback, including face to face discussions with the key representatives if this had been requested – approximately 3 or 4 representatives at each marae had been contacted, based on information held in the council database and with assistance from Dr James Graham - POU AHUREA MATUA: Principal Advisor: Relationships, Responsiveness & Heritage.

The Hearings Committee was advised that the submission from Fire and Emergency New Zealand (FENZ) sought to have a rule included in the Rural Zone of the District Plan that sites be adequately serviced, including water supply for firefighting purposes in accordance with the NZ Fire Service Firefighting Code of Practice. However, officers were recommending that it not be included as a rule, as it was addressed as part of the objectives and policies in the Plan's Subdivision and Land Development section and specific reference was made to the Code of Practice in the Methods Section.

Officers noted that, in its submission, the Fire Service had acknowledged that its Code of Practice was a non-mandatory NZ Standard aiming to set a consistent approach throughout NZ and that it acts as a guideline.

A code of practice was a mechanism that could be adopted as a means of compliance. If a rule was to be included in this part of the plan, as sought by FENZ, it would mean that marae would have a special set of standards imposed on them that did not apply to other parties, in regard to places of assembly. It was inappropriate to single out marae in this way, via this plan change.

Officers also noted that the FENZ submission to the proposed District Plan in 2014 to include the Code of Practice as a rule into the Subdivision and Land Development Section had been declined.

No submitters had wanted to speak at the hearing but a letter (CG-16-8-00219) received from Beca, on behalf of Fire and Emergency New Zealand, was circulated and read by the committee. This letter would form part of the evidence associated with this hearing.

Officers explained that it was difficult to include a code of practice as a rule. A rule was usually specific in nature. It was explained the District Plan and the Building Act both have specific requirements regarding health and safety matters. The Building Act would address the levels of fire suppression that would be appropriate for a specific situation/scale of development on a site. Officers also advised that council would suggest that any parties seeking to develop a place of assembly should consult with FENZ.

Officers advised that if the request from FENZ was supported, it would be more appropriate for that to be included in the Rural Zone so that it would apply to a range of activities, including all types of places of assembly, not just a focus on marae. However, such a course of action was beyond the scope of this particular proposed plan change.

The Hearings Committee also sought to confirm that the definition of marae in the district plan was robust enough.

The meeting was informed that land needed to be gazetted as Māori Reservation Land with specific trustees before any party can apply for the establishment of a marae.

Mr Wallis explained that the new National Planning Standards (“NPS”) might address marae on a national basis. This would be monitored as the standards evolved. In the meantime the definition and operation of marae is adequately covered under the Te Ture Whenua Māori Act 1993. If any changes to the definition of marae were proposed, that would need to be addressed via a separate plan change.

The Committee also referred to the standard minimum area for development of a marae. Officers explained that there was no minimum land size for establishment of a marae under the Te Ture Whenua Māori Act, but the maximum permitted size for marae buildings was covered in the proposed plan change.

The Committee acknowledged all the work that officers had undertaken in regard to consultation in the lead up to this hearing.

The Chair advised that the hearing would now be adjourned and the Committee would then start its deliberations.

At this point the Committee went into Public Excluded Session to commence its deliberations.

Mr G Lyons/Mr P Kay

That the public be excluded from the deliberations in relation to the hearing of the Proposed Hastings District Plan – Plan Change 3 Marae in Rural/Plains Production Zones. The reason for passing this Resolution in relation to this matter and the specific grounds under Section 48(2)(a) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:

- a) Any proceedings before a local authority where:
  - i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings; or
  - ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.

CARRIED

The Hearing adjourned at 10.20am  
and would reconvene in Public Excluded Session  
for the Committee to undertake its deliberations

Following the deliberations, the hearing was subsequently formally closed  
later that morning at 10.35am  
with the Hearings Committee's recommendations being forwarded to Council for consideration  
at a meeting on Thursday, 9 September 2021

***(Note: The Recommendations from this hearing (ENV-9-19-10-21-37) – [PDF Version CG-16-2-00786] incorporating the wording under Topics 1 and 2 were addressed by Council at a meeting on Thursday, 9 September 2021. Following that Council meeting, the resultant Council Decision (CG-16-2-00834) – [PDF Version CG-16-8-00249] were circulated to all Submitters and Publicly Notified on Saturday, 9 October 2021).***

Confirmed:

Chairman:

Date: