

Wednesday, 23 March 2022

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

**Hastings District Council**

**District Planning and Bylaws Subcommittee Meeting**

*Kaupapataka*

# Agenda

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*Te Rā Hui:*  
Meeting date: **Wednesday, 23 March 2022**

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*Te Wā:*  
Time: **10.00am**

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

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*Te Hoapā:*  
Contact: **Democracy and Governance Services  
P: 06 871 5000 | E: [democracy@hdc.govt.nz](mailto:democracy@hdc.govt.nz)**

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*Te Āpiha Matua:*  
Responsible  
Officer: **Group Manager: Planning & Regulatory Services - John  
O'Shaughnessy and Environmental Policy Manager - Rowan  
Wallis**

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## District Planning and Bylaws Subcommittee – Terms of Reference

A Subcommittee of the Strategy and Policy Committee.

### Fields of Activity

The District Plan Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council officers with regard to the drafting of the District Plan (or sections thereof) and consultation on discussion documents and drafts.
- Providing guidance to Council officers in respect of the drafting of Council's new or revised bylaws, and providing oversight of the Special Consultative Procedures.
- Te Tira Toitū te Whenua – Hastings District Plan Cultural Values to consider and advise Council how the cultural values of Waahi Taonga and Waahi Tapu are to be integrated within the District Plan.

### Membership

- 6 Councillors.
- 3 Heretaunga Takoto Noa Māori Standing Committee Members appointed by Council.
- 1 externally appointed member with relevant qualifications and experience.
- Chair appointed by Council.
- Deputy Chair appointed by Council.

### Quorum – 5 members including 3 Councillors

### Delegated Powers

- 1) To review and provide comment on draft new or received District Plan provisions and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation.
- 2) To hear and consider all submissions reviewed in respect of any District Plan proposal and to recommend responses to the Strategy and Policy Committee.
- 3) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed District Plan provisions for adoption by Council.
- 4) To review and provide comment on draft new or reviewed bylaws, and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation for onward recommendation to Council to hear submissions and formal adoption.
- 5) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed bylaw for adoption by the Council.

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Wednesday, 23 March 2022

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

**Hastings District Council**

**District Planning and Bylaws Subcommittee Meeting**

*Kaupapataka*

# Agenda

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*Mematanga:*

**Membership:**

*Koromatua*

**Chair:** Councillor Kevin Watkins

*Ngā KaiKaunihera*

**Councillors:** Bayden Barber, Alwyn Corban (Deputy Chair), Simon Nixon, Peleti Oli and Ann Redstone

Heretaunga Takoto Noa Māori Standing Committee appointees: Marei Apatu, Ngaio Tiuka and Tania Eden

Mayor Sandra Hazlehurst

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*Tokamatua:*

**Quorum:**

5 - including 3 Councillors

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*Apiha Matua*

**Officer Responsible:**

Group Manager: Planning & Regulatory – John O’Shaughnessy

Environmental Policy Manager – Rowan Wallis

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*Te Rōpū Manapori me te*

*Kāwanatanga*

**Democracy &**

**Governance Services:**

Christine Hilton (Extn 5633)

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## *Te Rārangi Take*

# Order of Business

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### **Apologies – Ngā Whakapāhatanga**

- 1.0** At the close of the agenda no apologies had been received.  
At the close of the agenda no requests for leave of absence had been received.
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### **2.0 Conflict of Interest – He Ngākau Kōnatunatu**

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

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### **Confirmation of Minutes – Te Whakamana i Ngā Miniti**

- 3.0** Minutes of the District Planning and Bylaws Subcommittee Meeting held Wednesday 24 November 2021.  
*(Previously circulated)*
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- 4.0 Monitoring of the Hastings Residential Intensification Design Guide** **7**
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- 5.0 Wāhi Taonga Review** **15**
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- 6.0 Minor Items – Ngā Take Iti**
- 

- 7.0 Urgent Items – Ngā Take Whakahihiri**
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Wednesday, 23 March 2022

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

**Hastings District Council: District Planning and Bylaws Subcommittee Meeting**

**Item 4**

*Te Rārangi Take*

# Report to District Planning and Bylaws Subcommittee

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**Nā:**  
**From:** **Anna Summerfield, Senior Environmental Planner - Policy**

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**Te Take:** **Monitoring of the Hastings Residential Intensification Design**  
**Subject:** **Guide**

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## **1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga***

- 1.1 The Hastings Residential Intensification Design Guide (the Guide) was adopted by Council on the 19<sup>th</sup> November 2020 as a non-regulatory document. Officers were instructed to monitor the effectiveness of the guide in improving design outcomes of more intensive residential developments for a period of 12 months.
- 1.2 This report outlines and evaluates data gathered on the effectiveness of the Guide. The report concludes that the Guide has been an effective tool, used in both the design stage of a proposal (prior to lodgement of a resource consent) and as part of the resource consent application process, to improve design outcomes.
- 1.3 The Guide has been a conversation starter which has provided visual examples of the desired design elements as well as site layouts and unit typologies which have assisted in illustrating the outcomes sought, as well as, demonstrating what is required to meet the District Plan assessment criteria.
- 1.4 Using the Guide early in the design process and as a way to open dialogue between developers and their consultants, the Environmental Policy Team has effected change to development proposals which has ultimately resulted in not only better urban design outcomes but time and cost savings. When urban design matters are agreed prior to lodgement this reduces the potential for delays through the consent evaluation process.
- 1.5 Now, a year on from the launch of the Guide, Architects and Designers are directly requesting comments on development proposals early on in their design process. Consultant planners are also advising clients to get feedback from the policy team early and prior to any resource consent application being prepared. There is recognition that this engagement simplifies the consenting process.

- 1.6 The policy team is mindful that it takes time to build up relationships with developers and professionals and to gain a level of trust that such engagement is beneficial. With that in mind the team are conscious of being responsive to these requests and prioritise these to minimise delays.
- 1.7 Along with monitoring the Guide, officers were asked to consider how to incorporate its design principles and elements into the regulatory framework of the District Plan.
- 1.8 Through the experience of working with developers, landowners and their consultants on proposals, officers have found that open engagement and communication with a willingness to work through issues have resulted in the achievement of good design outcomes.
- 1.9 Therefore, it is recommended that the residential design principles and key design elements outlined in the Guide be included as assessment criteria in the District Plan for all comprehensive residential developments and any development that exceeds residential density or minimum subdivision site size standards.
- 1.10 Using assessment criteria to guide the achievement of good design outcomes works better than having rigid standards or rules in the District Plan for design matters. Standards and rules cannot take into account the context, characteristics or constraints of a particular site. They must be quantifiable and measurable and cannot provide flexibility. Whereas with assessment criteria, each application can be considered in relation to the specific site and development typology proposed. This enables a creative response to the design principles and key design elements.
- 1.11 A plan change would be needed to change the assessment criteria in the District Plan to include the design principles and key design elements of the Guide. Undertaking a plan change is costly and it may be beneficial to wrap this up with other required changes to the District Plan. Of particular relevance are any recommended amendments that may fall out of the Medium Density Housing Strategy Review.
- 1.12 The scope of work for this review includes consideration and achievement of efficient and effective consenting pathways for medium density housing. The review is to be completed by 30 June 2022.
- 1.13 Therefore any plan change to include the Guide into the District Plan would not be notified until the third quarter of this year to ensure that a comprehensive and ordered approach to the District Plan provisions relating to residential intensification is achieved.
- 1.14 It is therefore requested that an in-principle decision endorsing this approach be considered by the Sub-committee, with the intention that Officers bring back the full plan change documentation including a request for notification of the plan change, following Council endorsement and adoption of the recommendations of the Medium Density Strategy review.

## **2.0 Recommendations - Ngā Tūtohunga**

- A) That the District Planning and Bylaws Subcommittee receive the report titled Monitoring of the Hastings Residential Intensification Design Guide dated 23 March 2022.
- B) That the Subcommittee agree in-principle to the approach to include the Design Guide into the District Plan and instruct officers to prepare plan change documentation to enable:
  - i. The residential design principles and key design elements of the design guide to be included as District Plan assessment criteria for all residential intensification proposals including comprehensive residential developments and subdivisions.



### 3.0 Background – *Te Horopaki*

- 3.1 On the 19 November 2020 the Council adopted the Hastings Residential Intensification Design Guide (the Guide) as a non-regulatory tool to assist and encourage residential intensification within the District. The Council also sought to improve the design outcomes of more intensive residential developments.
- 3.2 The purpose and objectives of the Guide are:
- To improve design quality of developments;
  - To encourage quality residential intensification, particularly in the form of Comprehensive Residential Development (CRD), that maximises site yield;
  - To provide a practical tool that outlines ideas and solutions to common issues with development on smaller sites;
  - To change the perception of residential intensification;
- 3.2 The Guide was officially launched at a Development Forum hosted by Council on 10 February 2021. At this forum the main principles of the design guide and the benefits of using it were outlined. Copies of the guide were made available to those attending.
- 3.3 Council officers were to report back on the effectiveness of the Guide after a 12 month monitoring period. This report outlines the information collected in respect of this monitoring and includes a discussion of the impact of pre-application advice and assessment of development proposals by the Environmental Policy Team, analysis of a survey of users of the design guide and Development Forum members, and an analysis of resource consent applications granted consent over the 12 month period.
- 3.4 Please note that there will be a presentation at the meeting addressing the relevant parts of the design guide. It is also noted that while the Guide is not attached to this report, it can be found on the Council's website.

### 4.0 Discussion – *Te Matapakitanga*

- 4.1 Over the period from 1 February 2021 – 31 January 2022, Council officers from both the Environmental Consent and Policy Teams met with developers and their consultants to encourage use of the guide at the early design stages of development planning. The policy team has also provided both written and verbal comments on approximately 25 development proposals over the last 12 months. Comments and advice were given by the policy team both prior to lodgement of resource consent applications and during the resource consent evaluation process.
- 4.2 By working with developers and their consultants, the policy and consent teams have been able to suggest layout or design changes that have:
- Maximised development yield by demonstrating how to achieve more intensive development.
  - Improved privacy and amenity;
  - Increased the diversity of dwelling typology provided;
  - Improved layout design to enable more dwellings to front the street;
  - Adjusted floor plans and improved orientation to enable more access to sunlight and daylight within dwellings and outdoor living spaces;
  - Improved streetscape outcomes through landscaping and elevation details;

- 4.3 The Guide has proved to be a useful tool that has highlighted the importance of urban design skills and knowledge when developing land. Whether it be infill, comprehensive or greenfield development – an urban design lens adds value, improves outcomes and smooths the consenting pathway. The Guide has also upskilled Council staff in urban design matters and provided additional capability to evaluate proposals.
- 4.4 A 10 question online survey was developed by officers in December 2021. This survey was sent out to users of the design guide and all Development Forum members. A prize was offered to respondents in order to garner as many responses as possible.
- 4.5 In total 15 survey responses were received. The respondents were primarily developers and planners with architects, surveyors and building consultants making up the remainder.
- 4.6 Half of the respondents reported that the Guide is being used to assist in concept plan development and to understand different development and housing typologies at the early design stage of proposals. Just over a quarter reported that the Guide is also used in the evaluation of District Plan assessment criteria as well as to identify solutions to design or layout issues.
- 4.7 60% of respondents thought that the Guide had made it either, somewhat or a lot easier, to understand the District Plan assessment criteria. Over half of respondents stated that using the Guide had increased development yield with none reporting that it had resulted in a decrease.
- 4.8 The Vision / Development Plan page, the Residential Design Principles and example site layouts were all considered to be very useful by the majority of respondents. The Key Design Elements, District Plan assessment criteria table and development typologies sections also scored highly. The Design Checklist was the one section of the Guide that many thought was not so useful. Only a small number of respondents reported that they were directed to use the guide to fulfil a further information request as part of the resource consent application process.
- 4.9 In terms of improvements to the Guide, respondents primarily would like to see more case studies and examples of good design outcomes as well as more information on suitable locations for intensification (comprehensive residential development) along with guidance on how to consider the context of the development in the design.
- 4.10 Survey respondents were also given the opportunity to comment generally on whether the Guide is achieving its purpose and objectives. The following comments were received:
- The areas identified for intensification and comprehensive residential development are too limited. More areas should be identified in Havelock North where people want to live;
  - Allow for more compact development close to the CBD in Hastings and Havelock North;
  - The Guide is very subjective – one person’s ideal design is another person’s hideous;
  - The Guide is supporting extra density and yield. I think Council should invite designers and planners to a workshop to work through design principles and concepts, for example centralised parking, and fencing guidelines;
  - The subdivision standards in the [District] Plan need to be better aligned to support Unit Title subdivision of comprehensive residential development;
  - The Guide has been helpful to show clients and developers what type of development is acceptable;
  - The Guide has been useful in coming up with suitable site and design options for our development in Hastings;
  - At this stage no resource consents have been applied for and therefore unable to assess the Guide’s effectiveness, although the planning consultant has indicated the process will be simpler;

- Opportunity costs are too expensive for Comprehensive Residential Development within Hastings District Council;
  - It's too early to tell whether the Design Guide is achieving its purpose – some development looks compromised.
- 4.11 Since the survey has closed we have also received written feedback on the Guide from Kāinga Ora. This feedback is positive on the whole with constructive suggestions to improve messaging in the Guide and between the Guide and District Plan provisions.
- 4.12 Kāinga Ora state that
- “we celebrate how the Council have interlinked the design principles with Te Ao Māori values and tikanga. The guide works well at demonstrating how the Heretaunga Te Aranga and Toi Tū Maori design values and principles are incorporated into the design principles and make it easy to follow for developers”.*
- 4.13 A key change that Kāinga Ora have requested is that development is consistent with planned built form rather than being consistent with the existing neighbourhood and its character. They suggest that the Guide could acknowledge that development will cause change and should be sensitive to only those features that are specifically protected within the District Plan i.e. heritage, sites of cultural significance.
- 4.14 Primarily, Kāinga Ora are of the opinion that the guide *“is a positive contribution to good urban design”*. However the aspirations of the guide are not easily achieved through the current District Plan rule framework, where the only opportunity for intensive development is provided for as a comprehensive residential development (at a density of 1/250m<sup>2</sup>).
- 4.15 Approximately 88 resource consents were granted for residential development – infill and greenfield subdivisions and comprehensive residential developments over the past 12 months. By far the bulk (50%) of these consents were for subdivisions of 1 additional lot.
- 4.16 Combined land use and subdivision consent applications and CRD developments (of 3 or more dwellings) made up 27% of these consents granted, while greenfield subdivisions amounted to 4.5%. Infill subdivision creating 2 or more lots accounted for 9% of consents granted.
- 4.17 Leaving out the subdivisions creating 1 additional lot, the design guide was used for approximately 25% of remaining resource consent applications granted over the past year. Just under half of these consents addressed the principles of the design guide prior to lodging their resource consent application with just over half being referred to the Environment Policy Team for comment as part of the consenting process.
- 4.18 Looking at the days that elapse until consent is granted for the above two groups – the average time to gain consent for applications that used the design guide prior to lodgement was 20.2 with 26.5 being the average number of days for those applications that were directed to use the Guide during the consent process.
- 4.19 Therefore it is evident that time efficiencies are more likely to be achieved where the Design Guide is used at the early design stages and prior to lodgement of any resource consent application. Where proposals are referred to the policy team during the consent process delays are more likely even though the policy team prioritise these consents over other work.

## 5.0 Options – Ngā Kōwhiringa

### Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 Include the Residential Design Principles and Key Design Elements (outlined on pages 6 & 7 of the Design Guide) in the District Plan as assessment criteria for residential intensification proposals:

### Advantages

- Using assessment criteria to guide good design outcomes enables site variables and context to be taken into account providing flexibility and enabling and encouraging variety and creativity in housing layout and design;
- Formalises the use of the Guide’s key design elements and principles into the District Plan. As a result these design principles are not just considered under other matters of s104 RMA assessment but are integral to the resource consent evaluation of the District Plan provisions.
- Strengthens the need to ensure compliance with the Guide’s residential design principles.
- Reinforces the need for designers and developers to use the Guide early in the design process, emphasising the benefits of engaging with Council prior to lodging any resource consent applications to ensure a simpler consenting process.
- Raises the profile of the Guide and its principles and is likely to increase usage and influence of the Guide;
- Confirms that urban design and achieving good quality development outcomes is a key concern as Council looks to further enable the provision of housing; and
- Can be actioned together with other recommendations that result from the Medium Density Strategy Review. This will promote a coordinated and comprehensive approach to encouraging medium density development and ensuring an effective and efficient pathway for applications that meet the intent of the Design Guide principles.

### Disadvantages

- Cost of the plan change; and
- Meeting the assessment criteria is a qualitative evaluation based on the planner’s professional opinion, experience and judgement.

### Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

- 5.2 Continue using the Guide as a non-regulatory tool as has been the case for the past 12 months
- Council officers will continue to use the Guide as a non-regulatory tool and to engage early with developers and landowners looking to undertake residential intensification developments; and
  - This approach will continue irrespective of whether the subcommittee instructs council officers to prepare a plan change to action option one.

## 6.0 Next steps – *Te Anga Whakamua*

- 6.1 If the subcommittee agree in principle with the approach outlined above, to formalise the use of the Design Guide within the regulatory framework of the District Plan, officers will prepare the necessary plan change documentation including the section 32 report required.
- 6.2 Once this is completed and includes any recommended District Plan changes that fall out of the Medium Density Strategy Review, officers will bring this documentation to Council for final approval of the plan change including a decision to start the notification process.

### Attachments:

There are no attachments for this report.

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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### Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

### Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the social, environmental, economic and cultural wellbeing of communities in the present and for the future.

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### Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The Guide includes residential design principles that interlink with Te Ao Māori values and tikanga. The guide demonstrates how the Heretaunga Te Aranga and Toi Tū Maori design values and principles are incorporated into the design principles. The next step would be for the Guide to provide examples of how to incorporate these concepts into designs, similar to Auckland Council's Design Guide.

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### Sustainability - *Te Toitūtanga*

The design guide promotes Councils objectives in terms of sustainability as it includes an overarching principle of sustainability – *'To create developments which minimise their environmental footprint'*. Specifically this principle promotes the concepts of minimising construction waste, maximising passive energy and solar heating options, sourcing sustainable materials and encourages rainwater harvesting and re-use.

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### Financial considerations - *Ngā Whakaarohanga Ahumoni*

Provision will need to be made for any costs associated with preparing and notifying the plan change to include the key design elements of the Guide into the assessment criteria of the District Plan. It is not anticipated that any specialist reports will be required unless they are needed in terms of any recommendations from the Medium Density Strategy Review. In general, the preparation of the plan change should be able to be carried out in house by Council staff.

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### Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

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### Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Consultation with Design Guide users has occurred over the past 12 months as the environmental policy team have engaged with those developing and designing housing proposals. The survey of design guide users and Development Forum members also provided an opportunity to critique the guide and its effectiveness. Informal feedback has been received from our environmental consent colleagues who we have worked closely with to highlight the benefits of using the Guide. Further consultation is intended with specific housing providers prior to the notification of any Plan Change:

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**Risks**

Opportunity: To formalise the key design elements and concepts of the Guide by including these as assessment criteria in the District Plan for residential intensification proposals including comprehensive residential developments and subdivisions.

<i>REWARD – Te Utu</i>	<i>RISK – Te Tūraru</i>
<p>Including the design elements within the regulatory framework of the District Plan will strengthen the need to ensure compliance with the Guide’s residential design principles.</p> <p>This reinforces the need for designers and developers to use the Guide early in the design process. It will also reinforce the benefits of engaging with Council prior to lodging any resource consent applications to ensure a simpler consenting process.</p> <p>Combining the Design Guide plan change with any necessary District Plan changes that fall out of the Medium Density Strategy Review will ensure a coordinated and comprehensive approach to encouraging medium density development and ensuring an effective and efficient pathway for applications that meet the intent of the Design Guide principles.</p>	<p>Financial Risk – there is considered to be a moderate financial risk that a plan change to include the Design Guide (along with any changes recommended through the Medium Density Strategy Review) will open up comment on other District Plan provisions that relate to comprehensive residential development and subdivision. Submissions could raise issues that may require more detailed investigation and reporting which could add significantly to the cost of any plan change application.</p>

**Rural Community Board – Te Poari Tuawhenua-ā-Hapori**

While the Design Guide is useful for any housing development, it is more relevant to development and subdivision of urban land.

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Wednesday, 23 March 2022

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Item 5

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

**Hastings District Council: District Planning and Bylaws Subcommittee Meeting**

*Te Rārangi Take*

# Report to District Planning and Bylaws Subcommittee

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**Nā:** Rowan Wallis, Environmental Policy Manager  
**From:** Wilson Pearse, Environmental Planning Analyst

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**Te Take:**  
**Subject:** Wāhi Taonga Review

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## **1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga**

- 1.1 At the November 24<sup>th</sup> 2021 Heretaunga Takoto Noa Māori Standing Committee meeting, officers signalled that the review of the Wāhi Taonga section of the District Plan would begin in 2022 under the Council’s rolling review process for the District Plan. It was further signalled that guidance would be sought from the Heretaunga Takoto Noa Māori Standing Committee on the engagement process of the wāhi taonga review and also how this process might be made more user friendly for mana whenua entities (hapū, marae, Taiwhenua, post-settlement governance entities (PSGEs).
- 1.2 The process involves the nomination of wāhi taonga sites in order that they can be identified and protected in the District Plan from inappropriate use and development. Previously the process for the identification of wāhi taonga sites has been led by the Hastings District Council and it is acknowledged that this now needs to be a partnership whereby Māori are the lead experts as kaitiaki of the sites. Council has a legislative responsibility to protect them but this can only be achieved through building trust with mana whenua and partner with mana whenua to co-construct the appropriate pathway forward.
- 1.3 The Committee’s endorsement of the approach that is proposed to be taken in the following matters is sought:
  - Developing relationships with mana whenua for partnering on the wāhi taonga review is crucial to its success. Council officers will approach hapū as well as engaging with the Taiwhenua and PSGEs. Also an integral part of partnering on the review is properly reflecting a Māori worldview (Te Ao Māori) into the district plan.
  - The development of a template that would give hapū an idea of the level of information that would be required. Maungaharuru Tangitū Trust submitted a large number of sites for inclusion

through the previous District Plan review process and an appropriate example, with the permission of Maungaharuru Tangitū Trust could form the basis of a possible template.

- The template will also allow for hapū, Taiwhenua and or PSGEs to register their sites with different levels of visibility within Council's GIS system. If hapū wish their sites to be confidential, mechanisms can be put in place to ensure that while the property is flagged as having a site, no indication of the site's location is provided and any potential applicant wanting to undertake an activity is referred directly to hapū. Conversely hapū may be comfortable for the site to be identified so that its kōrero tuku iho/kōrero tūturu can be told.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That the District Planning and Bylaws Subcommittee receive the report titled Wāhi Taonga Review dated 23 March 2022.
- B) That the Subcommittee endorse the introduction of a Māori worldview into the District Plan through the wāhi taonga review and that engagement on the review with individual hapū, and Taiwhenua and Post-Settlement Governance Entities commence.

## 3.0 Background – Te Horopaki

3.1 The identification of wāhi taonga in the district plan is an important method of protecting sites from inappropriate use and development. The district plan explains the benefits by means of quoting the following Māori legend related to the ancient Heretaunga waiata 'E tō e te Rā'. *This speaks of Te Whata a Te Rehunga, the name of a special storehouse elevated on a single pole to protect its sacred contents from the gnashing teeth of hungry dogs". The Council's Wāhi Tapu Policy will act as a modern 'whata' or elevated storehouse, and as a protective mechanism of these special sites, by identifying and collating this information for Council reference thus preventing the "gnashing teeth" of uninformed developments on these specific areas."*

3.2 A wāhi taonga is defined in the district plan as: - A site or area of significance to tangata whenua and includes but is not limited to:

- Old pā sites, excavations and middens (pā tawhito);
- Old burial grounds and caves (ana tūpāpaku);
- Current cemeteries (urupā);
- Battlefields (wāhi pakanga);
- Sacred rocks, trees or springs (toka tapu, rākau tapu, and waipuna tapu); and,
- Watercourses, springs, swamps, lakes and their edges (awa, waipuna, repo, roto).

This definition was arrived at through the appeal process on the District Plan review.

3.3 Previous nomination processes for the identification of wāhi taonga into the District Plan required that a nomination form be filled out. This process required the following information:

- The traditional name of the site (some places may not have a name);
- The description of the site e.g. whether it is a sacred rock or an old pā site;
- Evidence of the site being a wāhi taonga, which could be written evidence, archaeological evidence or oral evidence from a kaumātua;
- Endorsement by whanau, hapū or iwi;



- Land information ie the legal description and landowner, the boundaries of the site, photographs or drone views can be helpful; and,
  - Nominator details.
- 3.4 The nomination form was considered by the Māori Joint Committee at the time, along with two invited kaumātua. Once it was considered that there was sufficient information to support the inclusion of the site into the district plan a plan change process was entered into by the Council. This process is publicly notified and is open to submissions.
- 3.5 This report was first delivered to the Heretaunga Takoto Noa Māori Standing Committee during their March 2<sup>nd</sup> meeting. At this meeting, the Māori Standing Committee endorsed the following actions;
- That Council officers engage and work alongside relevant mana whenua entities to create appropriate site submission templates. Committee members recognised the high level of expertise Maungaharuru-Tangitū Trust have from submitting 33 successful sites during the 2016 plan change to Section 16.1; they will be able to create case-studies from a mana whenua perspective of the processes included for successful applications. And;
  - For engaging marae/hapū/whānau groups Council officers co-facilitate/coordinate & partner with Post Governance Settlement Entities and local Taiwhenua. The rationale behind this decision was that Māori Organisation themselves at times struggle to engage with all relevant groups at the marae/hapū/whānau level and that Council will likely be subjected to further difficulties due to a level of mistrust toward Council. Partnering with Māori Organisations will facilitate working past this mistrust as well as providing improved engagement.

#### 4.0 Discussion – *Te Matapakitanga*

- 4.1 The identification of Wāhi Taonga in the District Plan is an important responsibility for Council under the Resource Management Act. It is a protection mechanism for mana whenua to safeguard the sites that are culturally significant. The Council cannot be the driver in this process but can facilitate it. There is a need for Council and mana whenua to be partners in the review to ensure that the process properly reflects the objectives that mana whenua are seeking for their wāhi taonga, and also so that Council can be assured that the information accompanying the nomination will be sufficient to meet the tests it may be subjected to in the Environment Court if it was to be challenged.
- 4.2 The challenge for Council is to ensure that partnering with mana whenua is genuine and meaningful and that the wāhi taonga review has value. It is in this context that the input of the members of the Heretaunga Takoto Noa Committee is sought.
- 4.3 The nomination of wāhi taonga for inclusion into the District Plan should come from mana whenua. However, is it more appropriate that the initial discussions take place with the Taiwhenua and the PSGEs, or should we be approaching hapū directly from the outset? It is noted that Maungaharuru Tangitū Trust has been instrumental in nominating a large number of sites to date. It is therefore suggested that an example of one of their nominations might be used as a template for other hapū to refer to in putting forward their own nominations. This has been discussed with Maungaharuru Tangitū Trust and now the Committee's views on the appropriateness of this approach are also sought.
- 4.4 It is considered that the identification of wāhi taonga sites in the district plan will alone not be meaningful if there is not the understanding of where these sites come from and why they have taonga status. This can help to be explained by the introduction of a Māori worldview into the district plan. A Māori worldview considers everything living and non-living to be interconnected and there are many different explanations. Guidance is sought on where we should source the interpretation of a Māori worldview for inclusion into the district plan. The Pou Ahurea Team has considerable experience and could assist in the wording for inclusion in the plan; is this appropriate or should we be seeking outside input into this task?

## 5.0 Options – Ngā Kōwhiringa

5.1 Not applicable

## 6.0 Next steps – Te Anga Whakamua

- 6.1 If the committee is supportive of developing a template for use in the nomination process, further discussions will be undertaken with Maungaharuru Tangitū Trust and a suitable example chosen.
- 6.2 Work will commence on the wording of a Māori worldview based on the recommendations of the Committee and this will be brought back to a meeting later in the year as a Draft.

### Attachments:

There are no attachments for this report.

## Summary of Considerations - He Whakarāpopoto Whakaarohanga

### Fit with purpose of Local Government - E noho hāngai pū ai ki te Rangatōpū-ā-Rohe

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

### Link to the Council's Community Outcomes – Ngā Hononga ki Ngā Putanga ā-Hapori

This proposal promotes the social, environmental, and cultural wellbeing of communities in the present and for the future and protects the cultural values for future generations.

### Māori Impact Statement - Te Tauākī Kaupapa Māori

Wāhi taonga have a high level of significance to Māori, are a matter of national importance under Section 6 of the Resource Management Act (RMA) and their protection from inappropriate use and development is a primary responsibility for Council under the RMA.

### Sustainability - Te Toitūtanga

The protection of wāhi taonga from inappropriate use and development meets the purpose of the RMA in meeting the sustainable management of resources in order to provide for the social, environmental and cultural wellbeing of the community.

### Financial considerations - Ngā Whakaarohanga Ahumoni

The review of the Wāhi Taonga section of the District Plan is provided for under the plan review budget.

### Significance and Engagement - Te Hiranga me te Tūhonotanga

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of high significance to Māori.

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### Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Consultation will be undertaken with hapū and iwi and when the wāhi taonga nominations have been received they will be included in the District Plan by way of a Plan Change which follows the public notification process under the Resource Management Act.

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### Risks

Opportunity: To properly identify those features and areas of the district that are of cultural significance to Māori :

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
The benefit of this project is that sites of cultural significance will be identified and protected from inappropriate use and development. It will also give landowners certainty on the sites that affect their properties.	The risk is that landowners may not be supportive of the identification of sites of cultural significance on their properties, which may result in appeals through the Environment Court. There is also a risk that some hapū may not wish to disclose information on their tāonga and they may therefore be at risk of damage in the future.

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### Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

It is considered at this early stage of the process that the Rural Community Board does not need to be involved. However when the nomination process is worked through the Rural Community Board should be made aware that the process of identifying sites is about to begin, so that the rural community is advised that they may be approached by hapū about sites on their properties.

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