

Tuesday, 13 April 2021

*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: **Tuesday, 13 April 2021**

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*Te Wā:*  
Time: **10.30am**

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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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# 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

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

Mayor Sandra Hazlehurst (ex-officio)

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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 & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui**

- 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 Minitī**

- 3.0** Minutes of the District Planning and Bylaws Subcommittee Meeting held Wednesday 4 November 2020.  
(Previously circulated)
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### **4.0 Proposed Plan Change 4 - Te Matā Eastern Face**

**7**

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### **5.0 Minor Items – Ngā Take Iti**

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### **6.0 Urgent Items – Ngā Take Whakahihiri**

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### **7.0 Recommendation to Exclude the Public from Item 8**

**19**

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## 8.0 Papakainga Transitional Housing Project

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Tuesday, 13 April 2021

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Item 4

*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:  
From: **Rowan Wallis, Environmental Policy Manager**

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Te Take:  
Subject: **Proposed Plan Change 4 - Te Matā Eastern Face**

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

- 1.1 Proposed Plan Change 4 is the first stage in the amendments that are required to be made to the District Plan to ensure the appropriate level of protection for the eastern face of Te Mata te Tipuna are in place. This is an important step in ensuring that Council meets its obligations under Part 2 of the Resource Management Act, and more specifically by ensuring that we recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, and also that we have regard to Nga Hapū o Heretaunga's kaitiakitanga responsibilities.
- 1.2 The proposed amendments to the plan include a lowering of the building prohibition line from the current 240m contour to a line that includes almost the entire outstanding landscapes boundary. This work was undertaken in consultation with the report writers of the cultural assessment report. It is proposed that the prohibition extend to a wider range of buildings with just an exception applying to small scale farm buildings. The amendments will also reduce the volumes of earthworks that can be undertaken on the eastern face.
- 1.3 Guidance is being sought from the subcommittee on whether the proposed amendments are appropriate in meeting our responsibilities under the Resource Management Act.

## 2.0 Recommendations and Reasons

- A) That the District Planning & Bylaws Subcommittee receive the report titled Proposed Plan Change 4 – Te Matā Eastern Face dated 13/04/2021.
- B) That the Subcommittee provide guidance to Council officers on the approach that is being followed and based on the guidance, instruct officers to proceed with finalising the Plan Change documentation and Section 32 Evaluation Report and recommendation to Council that the Plan Change be adopted and notified.

With the reasons for this decision being that the objective of the decision will contribute to meeting the (performance of regulatory functions) in a way that is most cost-effective for households and business by:

- i. Meeting council's responsibilities under section 6, 7 and 8 of the Resource Management Act.

## 3.0 Background – Te Horopaki

- 3.1 Te Matā....Te Mata te Tipuna is currently identified in the district plan as an Outstanding Natural landscape and recognised as the most iconic of any of the landscapes within the district. Its cultural significance extends beyond any natural values and a large number of Nga Hapū o Heretaunga whakapapa to Te Mata te Tipuna (Te Matā).
- 3.2 The current provisions within the district plan do not give the maunga the appropriate level of significance or protection, particularly in regard to its significance to Māori. This was evidenced with consent being given to construct a track on the eastern face of the maunga in December 2017. This has resulted in the Council in collaboration with Nga Hapū o Heretaunga looking at the essence of Te Mata and what is required to restore its mauri and better protect it in the future.
- 3.3 A Tutoi Whenua group was formed to discuss the way forward for implementing the recommendations that arose out of the Cultural Assessment Report *"Towards an Understanding of the Māori Wellbeing and Survival Aspirations that Nga Hapū o Heretaunga have for Te Matā te Tipuna"*. The group included one of the authors of the cultural assessment report.
- 3.4 It was agreed that a strategic approach be taken to implement the recommendations of the cultural assessment report which were much wider than district plan protection mechanisms for Te Matā alone, and included such actions as introducing a Māori world view into the district plan and also giving consideration to the wider protection of Te Matā to include Kohinerakau. As a result it was agreed that the most appropriate course of action was to undertake a two stage approach to implementing the recommendations as follows;
  - Leaving any changes to the wāhi taonga section until after the Environment Court decision on the Mangaharuru Tangitu Trust Appeal is received as this is likely to have a direct influence on the rules that relate to land use activities associated with wāhi taonga sites.
  - Not attempting to introduce the "Māori world view" into the district plan at this time. While this would form the foundations upon which the policies and rules of the district plan would be based, it will also be a complex and time consuming plan change to introduce and navigate through the Resource Management Act process, an opinion that has been endorsed by the Council's legal Counsel.
  - The suggested approach was to make the amendments to the district plan that are required to ensure that the district plan matters identified in the cultural assessment specific to the eastern face of Te Matā are rectified. This is the basis of Plan Change 4. While the plan



change is going through the statutory process there are sufficient internal processes in place to ensure that cultural values will be given proper consideration in any resource consent application undertaken on the maunga.

#### 4.0 Discussion – *Te Matapakitanga*

- 4.1 In preparing for the plan change the specific recommendations from the cultural assessment report were looked at in detail. These included;
- Drafting new criteria applying to Outstanding Natural Landscapes section of the district plan.
  - Amending the prohibited building line to the 200m contour.
  - Investigate the Te Aranga landscape design principles (adopted by Council) to ensure that they adequately reflect kawa, kaupapa and tikanga of the marae hapu of Te Mata te Tipuna.
- 4.2 The application of the Te Aranga design principles is a project that is currently being undertaken by the Relationships Responsiveness and Heritage team under the guidance of Dr James Graham. The work that Charles Ropitini is undertaking on cultural landscapes will also be woven into this project. Any changes that are required to be made to the district plan that arise out of that work will be form part of the next stage of the cultural amendments to the plan.
- 4.3 The consideration of the amendment to the building prohibition line to the 200m mark was an important first step in ensuring the outcomes being sought could be achieved. The mapping of the 200m contour showed that there was a significant area of the eastern face that would not be protected from building development. As a result landscape architects Boffa Miskell were engaged to ascertain the most appropriate line for a building prohibition area. This work was undertaken in consultation with the report writers of the cultural assessment report. A new building prohibition line has now been identified and this can be seen in Appendices 1 & 3.
- 4.4 The amended building prohibition line will have significant impacts on the landowners whose properties will be affected and who derive economic returns from the land. It is therefore important that any amendment to the rules of the district plan that are required to implement the building prohibition area find a balance in protecting the cultural values of Te Matā while recognising the operational needs of the landowners.
- 4.5 The building prohibition area on the western side of Te Matā was implemented in response to the creep of residential development up the western face of the maunga. As a result the prohibition relates to the construction of residential and visitor accommodation buildings. This would not be an appropriate response on the eastern face and therefore it is proposed that all buildings would be prohibited within the line with the exception of small scale farm buildings. The proposed rule structure is outlined in Appendix 2.
- 4.6 The proposed amendments to the Earthworks rules as they apply to the Outstanding Landscape are also set out in Appendix 2. This includes a lowering of the existing 200m<sup>3</sup> per site per year to 50m<sup>3</sup> per site per year. No change is proposed to the volumes associated with maintenance of existing farm tracks.

#### 5.0 Options – *Nga Kōwhiringa*

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

- 5.1 Proceed with the preparation of the formal plan change documentation and consultation based on the provisions appended to this report to be brought back to the Council for adoption and notification under the Resource Management Act :

Advantages

- The protection mechanisms identified in the proposed plan change have been signalled as necessary by Nga Hapū o Heretaunga.

- The proposal will provide an appropriate level of protection to the eastern face of Te Matā and ensure that recognition to the cultural values is given ahead of the next stage of the cultural amendments in the district plan.

#### Disadvantages

- The proposal will place additional constraints on the landowners around the ability to build and undertake earthworks on their properties.

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

- 5.2 This option involves retaining the current district plan provisions on the eastern face of Te Matā, including a building prohibition line that only protects to rocky outcrop at the top of the face.

#### Advantages

- Landowners are not subject to additional controls.
- No cost to Council

#### Disadvantages

- Does not appropriately recognise the cultural significance of Te Matā to Nga Hapū o Heretaunga.
- Does not meet Council obligations under Section 6 of the Resource Management Act.

## 6.0 Next steps – Te Anga Whakamua

- 6.1 Consult with Nga Hapū o Heretaunga on the proposed and amendments and with the affected landowners. The Section 32 Evaluation Report can then be completed and the Plan Change can be brought to Council for adoption and public notification through the Resource Management Plan Change process:

### Attachments:

1	Map Showing Prohibition Line with Landscape Areas	ENV-12-21-113
2	Proposed Rules Table- Te Matā Eastern Face	ENV-12-21-117
3	Recommended Prohibition Line Te Matā- Fig 11	ENV-12-21-119

## 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 – Nga Hononga ki Nga Putanga ā-Hapori

This proposal promotes the wellbeing of communities in the present and for the future by ensuring that the cultural values of Te Matā are appropriately recognised and protected. The proposed plan change

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will promotes the cultural wellbeing of the community while also ensuring the sustainable management of the natural resources.

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

The proposed plan change has a high degree of significance to Nga Hapū o Heretaunga as it forms part of the remediation process for the damage done by the construction of the Craggy Range track. The amendments proposed form part of the recommendations that came out of the Cultural Assessment Report drafted in response to requirement for remediation of the track.

The item was discussed at the Heretaunga Takoto Noa Māori Standing Committee Retreat on 7<sup>th</sup> April 2021.

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### **Sustainability - *Te Toitūtanga***

The proposal is directly relevant to the sustainable management of our physical and natural resources and cultural wellbeing of our community and particularly to mana whenua. Council has a duty to protect our outstanding and cultural landscapes under section 6 of the Resource Management Act and it will also ensure that Nga Hapū o Heretaunga responsibilities for kaitiakitanga can be maintained.

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### **Financial considerations - *Nga Whakaarohanga Ahumoni***

The proposal is budgeted for under the Environmental Policy district plan amendment workstream:

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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 high significance.

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

As a formal district plan change the consultation process set down under the First Schedule of the Resource Management Act will be followed: This entails;

- Public notification and period of formal submission.
  - Notification of summary of submissions and invitation for submissions of support or opposition to original submissions.
  - Commissioner Hearing of Submissions.
  - Ability to appeal Council decision to the Environment Court.
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## Risks

Opportunity: There will be real benefits in ensuring that the cultural environment of Te Matā will be properly recognised :

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Cultural safety, council reputation, and safeguarding the environment.	Legal compliance if we don't proceed.

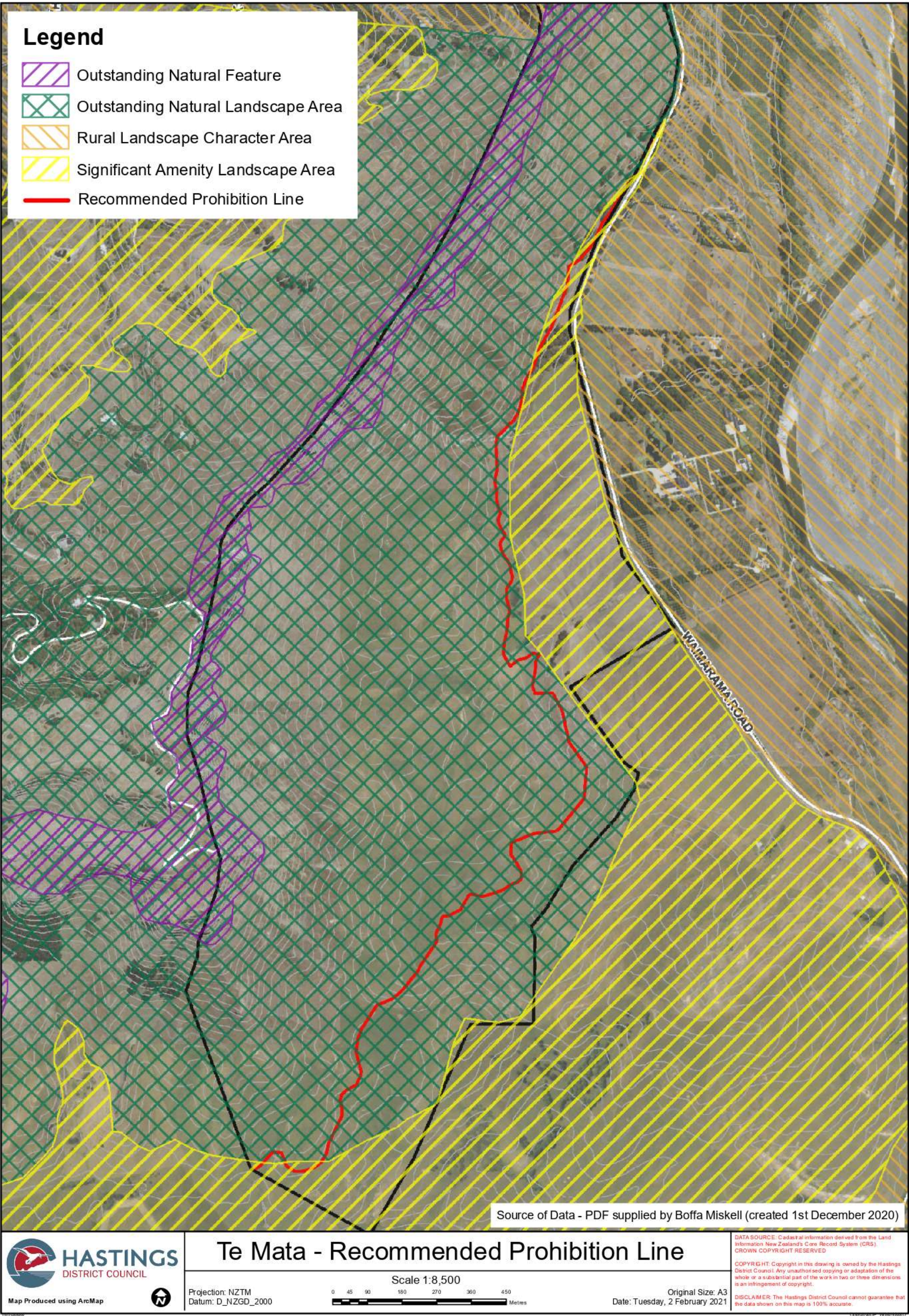
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## Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The Proposed Plan Change is restricted to the eastern face of Te Matā and therefore it is not considered that input from the Rural Community Board is required. When Stage 2 of the project is commenced the Rural Community input will be necessary and vital.

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## Eastern Face of Te Mata – District Plan Provisions

Activity	Existing Rule	Location	Proposed Rule- Te Mata Eastern Face	Location
Buildings	<ol style="list-style-type: none"> <li>(1) Buildings associated with any activity other than residential and visitor accommodation within the 240m contour– non complying.</li> <li>(2) Buildings for residential or visitor accommodation within the 240m contour – prohibited</li> <li>(3) Buildings greater than 50m<sup>2</sup> gfa below the 240m contour and within the ONFL- non complying</li> <li>(4) Buildings less than 50m<sup>2</sup> gfa below the 240m contour and within ONFL – permitted</li> <li>(5) Buildings within the SAL6 permitted</li> </ol>	Section 17.1 Landscapes	<p>Lowering of the Building Prohibition line</p> <ol style="list-style-type: none"> <li>1) All buildings within the Building Prohibition area other than buildings accessory to land based primary production under 50m<sup>2</sup> – prohibited.</li> <li>2) Buildings accessory to land based primary production under 50m<sup>2</sup> within the Building Prohibition area – non-complying. <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>3) Buildings greater than 50m<sup>2</sup> gfa below the Building Prohibition area and within the ONFL- non-complying <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>4) Buildings less than 50m<sup>2</sup> below the Building Prohibition line and within the ONFL – RD <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>5) Buildings greater than 50m<sup>2</sup> gfa within SAL6 RD</li> </ol>	Section 17.1 Landscapes

			6) Buildings less than 50m2 gfa within SAL6 controlled.	
Plantations	Non complying within the entire ONFL  Permitted activity within SAL6	Section 17.1 Landscapes and Appendix 43	Non- complying within the ONFL  Plantations within SAL6 – RDNN with the exception of revegetation around existing seepage and natural wetland areas.	Section 17.1 Landscapes and Appendix 43
Network Utilities	Non-complying activity including any support structures and associated earthworks	Section 17.1 Landscapes	Non-complying activity including any support structures and associated earthworks. Assessment Criteria includes the consideration of cultural effects.	Section 17.1 Landscapes
Signs	Permitted Activity up to 2.5m <sup>2</sup> in area	Section 17.1 and 28.1	Non-complying with the exception of signs relating to safety and Te Mata Trust Board activities.	Section 17.1 and 28.1
Earthworks	Permitted activity up to 200m <sup>3</sup> per site per year and 500m <sup>3</sup> per site per year for maintenance of existing farm tracks fencing and drains. Discretionary activity for cuts with a vertical extent greater than 1 metre	Section 27.1	Permitted activity up to 200m <sup>3</sup> per site per year (query whether this be lowered to 50m <sup>3</sup> ??) and 500m <sup>3</sup> per site per year for maintenance of existing farm tracks fencing and drains.  Discretionary activity for cuts with a vertical extent greater than 1 metre  Re wording of the assessment criteria to make explicit recognition of the effects on cultural landscapes.  Re word Policy EMP13 so that there is clear reference to cultural landscapes.	Section 27.1
Appendix 43 Outstanding Landscapes			Need to add Cultural issues in as a management issue for ONFL1	



**Item 4 Proposed Plan Change 4 - Te Matā Eastern Face**  
**Proposed Rules Table- Te Matā Eastern Face**

**Attachment 2**

Fences			Performance standard that any new fences shall be aligned with the grain of the landscape.	
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# HASTINGS DISTRICT COUNCIL

## DISTRICT PLANNING AND BYLAWS SUBCOMMITTEE MEETING

**TUESDAY, 13 APRIL 2021**

### RECOMMENDATION TO EXCLUDE THE PUBLIC

#### SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

THAT the public now be excluded from the following part of the meeting, namely:

#### **8 Papakainga Transitional Housing Project**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
<b>8 Papakainga Transitional Housing Project</b>	<b>Section 7 (2) (i)</b> The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Negotiations underway with third parties.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.